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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

AUSTRALIA* **

[15 June 1998]

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* The second periodic reports concerning rights covered by articles 6 to 9 (E/1984/7/Add.22) and by articles 10 to 12 submitted by the Government of Australia were considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1985 (see E/1985/WG.1/SR.17-18 and 21) and 1986 (see E/1986/WG.1/SR.10-11 and 13-14) sessions, respectively. The second periodic report concerning rights covered by articles 13 to 15 (E/1990/7/Add.13) was considered by the Committee on Economic, Social and Cultural Rights at its eighth session (see E/C.12/1993/SR.13, 15 and 20) in 1993.

The annexes and appendices referred to in the present report are available for consultation in the Committee's secretariat.

** The information submitted by Australia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.44.

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I. INTRODUCTION

1. The International Covenant on Economic, Social and Cultural Rights was signed by Australia on 18 December 1972 and ratified on 10 December 1975. It entered into force for Australia on 10 March 1976.

2. In accordance with articles 16 and 17, Australia hereby submits its report on the measures it has adopted and the progress made in achieving observance of the rights recognized in the Covenant.

3. This is Australia's first comprehensive report to the Committee on Economic, Social and Cultural Rights and covers the period from 1990 to 1997.

4. In preparing the report, the format set out in the revised general guidelines for reporting (E/C.12/1991/1) was followed in broad terms. Australia has sought to identify the key issues arising under each article which are most germane to the protection of human rights in Australia. These issues have been dealt with in a thematic, evaluative manner, and are supported by appended statistical information.

5. The material included in the report should be considered in the context of the general constitutional and legislative structures in operation within Australia. General information on the legal framework within which human rights are protected and the measures taken to promote human rights in Australia are provided in the "core document" submitted by Australia. This also provides information on Australia's land, people and political structure, and should be read in conjunction with this report.

Article 1: The right to self-determination

6. Please refer to article 1 of Australia's fourth report under the International Covenant on Civil and Political Rights (attached as appendix 1). Also see appendices 2-4.

Article 2: The right to non-discrimination

7. The federal Government is fully committed to protecting each right guaranteed by the Covenant. Rights therein may be guaranteed by any of the sources of law recognized in Australia. As outlined in the core document, law in Australia is derived from the following sources: the common law, legislation and subordinate legislation from the federal Parliament and any of the six state or the three territory parliaments which have a form of self-government.

8. Cooperative arrangements between the federal and state governments have enabled the insights of one jurisdiction to be shared with other jurisdictions. Further, the cooperation of the state governments is indispensable to the preparation of reports under the Covenant, so that a consolidated account of Australian law and practice can be rendered.

9. The legislative regime on Norfolk Island lacks legislation ensuring human rights. Federal legislation does not extend to the Island unless it is expressly stated in the specific legislation. The Commonwealth has made a

commitment to consult with the Norfolk Island Government on the extension of Commonwealth legislation to the Island, including human rights legislation.

10. The institutional machinery protecting the rights recognized in the Covenant is detailed in the core document together with an outline of the legislation which establishes it. It should be noted, however, that the federal Government has recently announced major changes to that machinery, including a reorganization of the Human Rights and Equal Opportunity Commission. The reorganization will see legislation introduced for the Commission to be renamed the Human Rights and Responsibilities Commission, with a streamlined structure and more focused principal functions. The executive structure of the new Commission will consist of a President and three Deputy Presidents, each of whom will have a responsibility to protect and promote the human rights of all Australians. Each of those Deputy Presidents will also have responsibility for a specific subject area: one will deal with social justice and race, one will handle sexual discrimination and equal opportunity, and one will have responsibility for human rights and disability.

11. The new Commission will retain a central role in the handling of complaints under federal discrimination legislation. Further details of this role are set out below, under the heading "Non-Discrimination". Aside from its complaint handling role, however, the new Commission's principal functions will centre around education, dissemination of information on human rights, and assistance to business and the community - for example, through the development of guidelines to assist people to comply with anti-discrimination legislation. Each Deputy President will also have the function of assisting the federal Court, as amicus curiae, in proceedings arising from complaints of unlawful discrimination under federal anti-discrimination legislation.

12. The Human Rights Legislation Amendment Bill 1998, which will implement the structural changes to the Commission, was introduced into the federal Parliament on 4 April 1998.

13. Further detailed commentary on article 2 can also be found in Australia's reporting under other articles in the Covenant. Accordingly, commentary on specific legislative arrangements is subsumed in the discussion below of the specific rights and freedoms guaranteed by the Covenant.

14. Discrimination on various grounds was made unlawful by the Federal Racial Discrimination Act 1975, the Federal Sex Discrimination Act 1984 and the Federal Disability Discrimination Act 1992. The grounds on which discrimination is made unlawful are: race, colour, descent or national or ethnic origin, sex, sexual orientation, marital status, pregnancy, or potential pregnancy, family responsibilities and physical or mental impairment, whether presently existing, previously existing, potentially existing in the future or imputed to a person. There are a range of exceptions to this legislation, and provision for special measures, such as measures designed to promote the equality of all elements of Australian society.

15. The federal Government has also enacted the Human Rights and Equal Opportunity Act 1986, which empowers the Human Rights and Equal Opportunity

Commission to inquire into any act or practice of the federal Government which may be inconsistent with, or contrary to, any human right recognized under the Act.

16. At present, complaints under the above legislation are investigated and conciliated by the Human Rights and Equal Opportunity Commission. If conciliation cannot be achieved, the relevant Commissioner can refer the complaint to the Commission for a public hearing. If the Commission finds the complaint substantiated, it will make an appropriate determination. Where parties do not comply with the determination, fresh proceedings must be instituted in the Federal Court, which has power to rehear the matter and enforce its determination.

17. Under amendments proposed by the Human Rights Legislation Amendment Bill, complaints of unlawful discrimination under the Disability Discrimination Act 1992, the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984, would still be lodged with, investigated and conciliated by the Commission. Responsibility for the effectiveness and timeliness of complaint handling would rest with the President of the Commission. The major difference, however, is that where complaints were not able to be conciliated by the Commission, it would be able to proceed to the Federal Court for hearing and determination.

18. These changes to the complaint handling and enforcement processes in the human rights area were necessitated by a decision of the High Court of Australia in 1995. In Brandy v. Human Rights and Equal Opportunity Commission (1995) 183 CLR 245, the High Court held that the previous scheme of enforcing determinations of the Commission by registering them in the Federal Court of Australia, and having them operate as orders of that Court, was unconstitutional. The High Court found the scheme infringed the constitutional principle of the separation of judicial and executive powers, which is enshrined in Chapter III of the Commonwealth Constitution.

19. Non-discrimination legislation is discussed in detail in relation to article 26 of the International Covenant on Civil and Political Rights. For present purposes it is convenient simply to list the major pieces of federal and state legislation. (See annex.)

20. All Australian state jurisdictions, with the exception of Tasmania, have enacted comprehensive anti-discrimination legislation. However, the Anti-Discrimination Bill 1997 has been introduced into the Tasmanian parliament, the object of the bill being the provision of comprehensive anti-discrimination legislation for Tasmania.

21. It should, however, be noted that Australia believes that not every matter concerning human rights is best dealt with by resort to traditional legal sanctions. In many cases, rights are more readily promoted by less formal processes, often associated with inquiry, conciliation and report. Methods such as special parliamentary committees or royal commissions may be appropriate to determine the balance between rights and obligations, which is an inherent part of the method by which human rights and freedoms are

protected and promoted. Of course, where a matter is capable of precise legislative definition and traditional law enforcement, this avenue is also available.

22. For a broader discussion and survey of Australian federal and state anti-discrimination legislation please refer specifically to articles 2 and 26 of Australia's report under the International Covenant on Civil and Political Rights, to articles 2 and 15 of Australia's third periodic report under the Convention on the Elimination of All Forms of Discrimination against Women, and to article 2 of Australia's 1996 report under the Convention on the Rights of the Child. (Refer to appendices 5-12 for supplementary information on the protection of this right.)

Specific state contributions: Western Australia

23. Discriminatory employment practices are discouraged in the Western Australian public sector under the Public Sector Management Act 1994. Section 21 of the Act requires the Public Sector Standards Commission (PSSC) to produce a set of standards relating to a range of human resource management practices in the Western Australian public sector. The standards are to reform human resources management practices making them more flexible and equitable. Under section 21, each public sector body is required to develop its own Code of Conduct and a set of internal grievance procedures by which alleged breaches of the Code can be dealt with at the agency level. Agencies are also required to report annually to the Commissioner for Public Sector Standards on compliance with their Code of Conduct and show what steps they have taken in providing their employees with awareness, education and training on the Code.

24. Part VI A of the Industrial Relations Act 1979 makes it an offence to discriminate against a person because of membership or non-membership of an organization. Penalties exist for the following actions should they be based on a person's membership or non-membership of an organization: refusing to employ a person; refusing to make use of, or refusing to agree to make use of, any service offered by a person; refusing to supply, or refusing to agree to supply, goods and services to a person.

25. Section 70 of the Workplace Agreements Act 1993 makes it an offence for an employer to dismiss an employee; alter an employee's position to their disadvantage; refuse to promote or otherwise injure an employee, if an employee refuses to enter into an agreement. Section 71 makes it an offence for any persons to cause employers harm on the basis of whether they are or are not parties to a workplace agreement.

Victoria

26. Victoria has undertaken a major policy initiative in the form of a project, the Economic Security Project, aimed at raising women's awareness of the need to provide for their own economic security. This initiative was prompted by the greater reliance of women on social security benefits, particularly in old age. While women are now seen to be socially "equal" to men, research undertaken in Victoria supports the view that women still put family responsibilities and their relationships first when making decisions

about their financial future. The campaign is ongoing and a first step was the publication of a summary of the research findings designed for the attention of the financial service providers.

New South Wales

27. In 1997 the New South Wales (NSW) Government released its Statement of Commitment to Aboriginal People. In that Statement the Government recognized that economic development is an important step on the path to self-determination and committed itself to improving business advice services to Aboriginal small businesses, to assisting businesses enter the tourism industry, to working with the Commonwealth and other levels of government to improve employment opportunities, and to increase Aboriginal employment opportunities in the NSW Government. The Government also released an employment paper with further strategies for increasing Aboriginal employment and fostering business development.

28. The Aboriginal Land Rights Act established local land councils elected by Aboriginal people which are responsible for the acquisition of land, the provision of residential accommodation and the negotiation of the transfer of national parks back to Aboriginal people. The National Parks and Wildlife (Aboriginal Ownership) Amendment Act 1996 provides for a process by which certain scheduled lands of cultural significance to Aboriginal people may be transferred to Aboriginal Land Councils and then leased back to the NSW Government for park purposes. It also provides for an ongoing management role for traditional owners in those parks.

29. Within the health services area the trend is to provide for greater Aboriginal involvement in the design and delivery of services. The NSW Government has entered into a Partnership Agreement with the NSW Aboriginal Health Resource Cooperative which recognizes the principles of self-determination, a partnership approach and intersectoral collaboration. The Agreement recognizes the AHRC and the NSW Government as partners in improving Aboriginal health, and that the role of the partnership is to enhance and support Aboriginal community control in health delivery.

Article 3: The right of men and women to equal enjoyment of rights

30. Subsumed under discussion of article 2.

Article 6: The right to work

31. A national cooperative system of Vocational Education and Training (VET) was established in 1992 under the Australian National Training Authority (ANTA) Agreement between the Commonwealth and state and territory governments. This consists of the Australian National Training Authority (ANTA) and the Commonwealth and state and territory governments. A key objective of the ANTA Agreement is to ensure that all Australians, including disadvantaged groups, have access to training that will achieve high quality outcomes, and ultimately lead to employment.

32. The state and territory governments provide the bulk of funding for the VET system. The Commonwealth provides funding to the states and territories

through ANTA. The states and territories allocate funding for VET providers, which may include public Technical and Further Education Institutes, adult and community education organizations and private sector training organizations. Training programmes for unemployed people and recent immigrants are funded and administered directly by the Commonwealth, which also encourages employers to take on apprentices and trainees through incentive payments.

33. A new National Training Framework will be implemented in 1998. The Framework will provide streamlined quality assurance arrangements and is intended to lead to nationally recognized registration of training organizations, mutual recognition of training across Australia and more flexible delivery of training.

34. Over one million Australians participate in the training system each year. VET programmes are undertaken by clients of both sexes, from all age groups and from a diversity of socio-economic and cultural backgrounds. A wide range of vocational programmes are offered by training organizations for trade, technical, professional and para-professional occupations, as well as adult education (including literacy and numeracy training) and preparatory training.

35. The National Strategy for Vocational Education and Training, established under agreement between the Commonwealth, state and territory governments, sets the long-term goals and strategies for the VET sector. These include a range of equity measures to ensure that disadvantaged groups have greater access, wider choice and better outcomes.

36. The National Women's Vocational Education and Training Strategy was also established under agreement between the Commonwealth, state and territory governments. It provides a national strategy for governments, industry and VET providers until the year 2000. The aim of this strategy is to ensure that women's needs are consistently addressed as a priority in policy-making, planning, resourcing, implementation and monitoring. It includes initiatives to remove indirect discrimination against women in the VET sector, and to create a supportive, learning environment for all women.

37. Major reforms have been undertaken to modernize the apprenticeship and traineeship system. The aim is to make it more responsive to the needs of industry and clients. More opportunities are being created by new, flexible arrangements and the extension of apprenticeships and traineeships into areas with limited structured training, and also into new industries.

38. In addition to various programmes at the state and territory level, there are several initiatives at the national level aimed at improving the participation of the disadvantaged. National programmes include pre-vocational training for people disadvantaged in the labour market, activities to promote non-traditional careers to secondary schoolgirls, research to develop "best practice" models of training, and employer incentives to encourage the recruitment of disadvantaged people. The Workplace English Language and Literacy Programme, for instance, provides workers with English language and literacy training. The Disability Apprenticeship Wage Support Programme provides financial support to employers taking on an apprentice or trainee with a disability.

39. The national Vocational Education and Training (VET) system operates under an Agreement between the Commonwealth and the states and territories. One of the central objectives of this Agreement is improving participation and outcomes for specific client groups such as people with disabilities. Within these arrangements, the Commonwealth provides funds to the Australian National Training Authority (ANTA) for allocation to the states and territories and for administering national programmes. States and territories are responsible for the delivery of VET within their borders and have funded a range of initiatives to assist people with disabilities.

40. ANTA manages a number of national projects to assist disadvantaged people, including the Equity Performance Measures Demonstration Strategy, which seeks to improve training participation and outcomes for groups under-represented in training and/or employment. Funded projects under this Strategy include: a child care training programme for deaf and hearing impaired children (NSW); a training and employment support model for people with a disability within the agricultural, mining, tourism, hospitality and community services industries (Vic); a pre-vocational accredited training programme for people with a physical or sensory disability (Vic); training brokerage and support for people with disabilities in the retail, tourism and hospitality industries (Tas); development and delivery of an accredited, supplementary Train the Trainer module and resource package for workplace personnel working with people with a disability (ACT); and defining the extent of need for vocational education and training programmes for staff working with people who are deaf and/or blind (Vic). ANTA has also established a Disability Forum to provide advice on the training needs of people with a disability.

41. The Commonwealth Department of Employment, Education, Training and Youth Affairs (DEETYA) funds a number of programmes which should assist people with a disability, including: the Disabled Apprenticeship Wage Support programme, which provides weekly wage support to employers who employ a disabled person as an apprentice in an approved apprenticeship. Assistance may be provided for up to the duration of the apprenticeship. Extra help may be provided to allow necessary workplace modifications, the leasing of special equipment, or the hire of interpreter services; the Access Programme which provides pre-apprenticeship and traineeship assistance for people who are disadvantaged in the labour market and need preliminary training; and the Training Projects Grants Programme which seeks to support industry in the development of national, integrated, flexible training delivery packages.

42. Funded projects under this programme have included the Australian Local Government Traineeships for Highly Disadvantaged Young and People with Disabilities; a pilot programme and resource materials developed by the Endeavour Foundation to introduce accredited workplace training for intellectually disabled adults in their Business Services Units; and a project to develop, adapt and transcribe the Communications Customer Support Traineeship using adaptive technology (braille, audio tape and large print materials) to facilitate the participation of vision impaired women in the ACT in traineesnips and apprenticeships.

43. Work is also being undertaken by DEETYA on development of education (including vocational education and training) standards under the Disability

Discrimination Act (DDA) 1992. Following consultations, Commonwealth, state and territory ministers of training and education will consider the feasibility and desirability of Disability Standards in Education under the DDA.

Indigenous unemployment

44. The rate of unemployment for the Aboriginal and Torres Strait Islander group in 1991 (the most current data available) was 38 per cent, compared to 9 per cent for Australians generally (see appendices 28 and 29). Excluding the predominantly part-time jobs in the Commonwealth-funded Community Development Employment Projects (CDEP) Scheme - a form of work for the dole exclusive to indigenous Australians - the rate of unemployment would be around 50 per cent. For those in employment other than CDEP there is an over-reliance on the public sector, leaving the indigenous group vulnerable in a time of significant public sector change. Self-employed indigenous Australians accounted for less than 2 per cent of the indigenous working age population in 1994, or less than a quarter of the rate for other Australians.

45. The indigenous population is increasing at a rate of 3 per cent, double the rate for the rest of the Australian population. A significant challenge exists to devise policies that will, as a minimum, maintain the group's current labour force status, and over time impact on the disparity with the economic circumstances of Australians generally.

46. The Commonwealth's response is to increase funding for indigenous education, focusing on improving educational outcomes, as a key factor in achieving better employment outcomes. The reforms to employment services, to be introduced in May 1998, will contain special provisions to ensure that indigenous people receive an equitable share of services, delivered in culturally appropriate ways. The Training for Aboriginals and Torres Strait Islanders programme will continue to be offered by DEETYA, as an adjunct to the new market-based employment services arrangements.

Workplace productivity measures

47. The period 1987-1996 witnessed a marked shift in the focus of the industrial relations system, from centralized wage fixation to a much greater focus on bargaining at the workplace or enterprise level. This shift reflected widespread support amongst the industrial parties of the need to address workplace productivity in the context of improving the performance of industry, as the Australian economy became increasingly exposed to international competition. In the late 1980s the primary focus was on providing greater flexibility in the application of awards at both the industry and workplace level, particularly through the process of award restructuring. However, by the early 1990s the focus had switched to encouraging enterprise bargaining.

48. The industrial relations framework introduced by the Workplace Relations Act 1996 is aimed at giving primary responsibility for industrial relations to employers and employees at the enterprise and workplace levels. This will provide firms with the opportunity to design arrangements which will improve their productivity and competitiveness and deliver greater rewards to their

employees. At the macroeconomic level it will provide support for economic growth and thus employment growth and higher living standards. Further detail on the new industrial relations framework is provided in the Changes in Federal Workplace Relations Law legislation guide. A copy is attached at appendix 102.

Provisions that ensure freedom of choice of employment

49. The Workplace Relations Act 1996 provides a number of provisions based on the principles of freedom of choice and freedom of association, and the principle that all Australians be treated equally before the law. These are summarized on pages 29-30 of the attached legislation guide.

50. These provisions are also mirrored in the states. For example, under the South Australian Industrial and Employee Relations Act, which came into effect on 8 August 1994, all employees and employers are free to choose whether or not to become, or remain, a member of a union or association. Compulsory union membership, whether forced upon employees by either an employer or a union, is now banned.

51. Australia has ratified ILO Convention 111, Discrimination (Employment and Occupation), 1958. Please refer to article 22 of the Government's 1997 report to the ILO on this Convention.

52. Australia has also ratified ILO Convention 142, Human Resources Development, 1985. Please refer to the Government's 1991 report to the ILO on this Convention. The main cases in which a distinction, exclusion or preference based on any of the above conditions is not considered discrimination in Australia relate to the inherent requirements of a particular job. Under the Workplace Relations Act 1996, there are two areas where the inherent requirements of a position exempt it from the anti-discrimination requirements of the Act. In regard to certified agreements, discrimination based on the inherent requirements of the job, discrimination in connection with employment at a religious institution or discrimination in good faith to avoid injury to the religious susceptibilities of a candidate are exempted from the general prohibition against discrimination under section 170LU(6). Section 170CK(4) extends the exception of discrimination based on the inherent requirements of the position to termination of employment. (Refer to appendices 13-31 for supplementary information on the protection of this right.)

Specific state contributions: Western Australia

53. Protecting the working rights of individuals is an important component of the Western Australian labour relations system. Part VI A of the Industrial Relations Act 1979 provides for freedom of association for individual parties. In Western Australia, it is an offence to require workers to join or not to join an organization. The Act outlaws the existence of "closed shops" in Western Australia. Section 96 of the Act forbids any person to employ or not to employ a person on the grounds of their membership or non-membership of an organization. To further protect the interests of

workers, the Act provides for the use of secret ballots during certain prescribed forms of industrial action. Individual workers are able to vote without fear of intimidation on whether to take strike action.

South Australia

54. The South Australian Government has responded to continuing high levels of youth unemployment in the State through a range of initiatives targeted at assisting young people to gain employment. Almost $30 million of State and Commonwealth funds have been allocated over three years to a Youth Employment Strategy. More generally, a coordinated whole of government approach to maximizing employment opportunities has been adopted to ensure access to employment opportunities for people of all ages. This also aims to eliminate unnecessary duplication of activities offered by other levels of government.

55. Under the South Australian Equal Opportunity Act 1985, discrimination in employment on the grounds of sex is permissible where a particular sex is a genuine occupational requirement. Discrimination on the grounds of age is similarly permissible. Discrimination on the grounds of sexuality is permissible in education or other institutions administered in accordance with the precepts of a particular religion.

Article 7: The right to favourable conditions of work

56. Australia has ratified ILO Convention No. 131, Minimum Wage Fixing, 1970. Please refer to Australia's 1997 report to the ILO on this Convention.

57. Enterprise bargaining and agreement-making are now the principal means for fixing wages in Australia. A safety net of minimum wages is provided by legally enforceable "awards" which are made by federal and state industrial tribunals in the resolution of industrial disputes. There are many federal and state awards which specify minimum rates of pay and conditions for employment in the various occupational classifications of industry sectors.

58. More recently the trend towards bargaining and agreement-making has increased, under the new legislative framework of the Workplace Relations Act 1996. The Australian Industrial Relations Commission (AIRC) exercises its conciliation and award-making powers under this Act. The main features of the Workplace Relations Act 1996, relevant to the fixing of wages, are the following:

- maintaining the award system to provide a safety net of fair minimum wages and conditions which should be adjusted over time, having regard to criteria specified in the Act;

- ensuring that awards are focused only on minima. Actual wages and conditions should be determined as far as possible by agreement at the workplace or enterprise level;

- providing for effective choice and flexibility in reaching both collective and individual agreements for determining wages above the award minimum;

- confining the AIRC's arbitral role, so as to avoid inappropriate interaction between agreements and awards and the associated risk of wage instability; and

- the need to foster a more direct relationship between employers and employees with a much reduced role for uninvited third party intervention.

59. South Australian industrial and employee relations legislation created the first Office of Employee Ombudsman in Australia in 1994 to, inter alia, assist employees in industrial bargaining and scrutinize proposed enterprise agreements.

A system of minimum wages

60. As indicated above, the award system is the key mechanism which ensures that at least a minimum wage is paid to Australian wage earners. The latest data (August 1996) indicates that 80 per cent of total employees are covered by awards (41 per cent by federal awards and 39 per cent by state awards).

61. The main exception to the system of awards occurs in the state of Victoria. Victoria abolished the state's award system in 1993 and replaced it with legislated minimum wages and conditions of employment. A new industrial tribunal, the Employee Relations Commission of Victoria, was established to manage the system of minimum wage rates. Since 1996 the AIRC has been responsible for adjusting the Victorian minimum rates of pay.

62. The awards of industrial tribunals are legally enforceable. The Workplace Relations Act 1996 requires the AIRC to ensure that awards provide a safety net of minimum wages and conditions that is established and maintained, having regard to:

- the need to provide fair minimum standards for employees in the context of living standards generally prevailing in the Australian community;

- economic factors, including levels of productivity and inflation and the desirability of attaining a high level of employment;

- when adjusting the safety net, the needs of the low paid; and

- the need to encourage the making of agreements between employers and employees at the workplace or enterprise level.

63. In April 1997, the AIRC, consistent with these requirements, provided scope for all award minimum rates of pay to be increased by $10 (all references to monetary amounts in this report are in Australian dollars). The $10 increase can be offset against any above award payments. The AIRC also introduced an across-the-board federal minimum wage of $359.40 (inclusive of the $10 increase). This indicates that no award rate of pay should provide for lower amount than this. The federal minimum wage applies proportionately to junior, part-time and casual employees. The next review of award minimum rates of pay will occur during 1998.

64. Since the referral of certain of Victoria's industrial relations powers to the federal Government, no adjustment of the Victorian minimum wage rates has taken place. An application for an increase in Victorian minimum wage rates is currently being considered by the AIRC.

65. As outlined above the AIRC is required to have regard to the needs of the low paid and to economic considerations when adjusting the award safety net. The weight given by the AIRC to these competing factors is determined in light of the prevailing economic, social and industrial circumstances of the time. The AIRC has declined to identify a specific benchmark for "the needs of the low paid" for various reasons, including the need to avoid the expectation of automatic adjustments to award rates of pay.

66. As described above the AIRC fixes and adjusts minimum award wages under the federal industrial relations system. All states except Victoria have industrial tribunals which perform similar functions in state jurisdictions. As already noted, Victoria has transferred certain of its industrial relations powers to the Commonwealth, and the AIRC has the jurisdiction to adjust Victorian minimum wage rates.

Average wage levels

67. Seasonally adjusted Average Weekly Ordinary Time Earnings (AWOTE) for full-time adult employees were $445.00 in February 1987, $587.50 in February 1992 and $708.70 in February 1997, giving an average annual increase in AWOTE over the last 5 and 10 years of 3.8 per cent and 4.8 per cent respectively. Average Weekly Earnings (AWE) for all employees were $394.60 in August 1987, $506.60 in February 1992 and $584.30 in February 1997, giving an average annual growth in AWE over the last 5 and 10 years of 2.9 per cent and 4.0 per cent respectively. This information derives from Australian Bureau of Statistics (ABS). (See appendices 36 and 37).

68. There are no readily available data on the average levels of minimum award wages. However, movements in award wages can be estimated through the Award Rates of Pay Index (ARPI), produced by the ABS (Catalogue No. 6312.0, appendix 33). The ARPI contains indexes for weekly and hourly average minimum award rates of pay for full-time adult wage and salary earners. These indexes are constructed by weighting award rates of pay for selected classifications according to the pattern of employee coverage that existed at May 1985.

69. According to the ARPI series, average minimum award rates of pay rose by an annual rate of 1.6 per cent over the 5 years to February 1997, and by 3.1 per cent over the 10 years to June 1997.

70. The Consumer Price Index (CPI) established by the ABS (Catalogue No. 6401.0, appendices 61a-d) is often used to gauge changes in the cost of living. The CPI measures quarterly changes in the price of a basket of goods and services which account for a high proportion of expenditure of the metropolitan wage and salary earner households. The CPI increased by 2.2 per cent per annum over the 5 years to the September quarter 1997, and by 3.6 per cent per annum over the 10 years to the September quarter 1997.

71. In real terms (using the CPI as the deflator) AWOTE grew by 1.6 per cent and 1.1 per cent per annum, while AWE grew by 0.7 per cent and 0.4 per cent per annum over the 5 years to February 1997, and the 10 years to February 1997 respectively. In real terms the ARPI series declined by 0.7 per cent and 0.7 per cent respectively over these two periods. However, while real award wage rates have fallen over the last 5 and 10 years real average earnings for low paid employees have been increasing since the early 1990s. According to the ABS Survey of Employee Earnings and Hours (ABS Cat. No. 6306.0), real average weekly earnings for full-time adult non-managerial employees at the first decile, grew by 3.7 per cent from May 1991 to May 1996 compared to a rise of 5.4 per cent at the second decile.

72. Changes in real wages should also be seen in the context of significant advances over the last 15 years in the country's social security and welfare system, which includes a wide range of cash and non-cash benefits provided by the Government. Important examples of cash payments include unemployment benefits, the age pension and family payments. Non-cash benefits include Medicare and the health system, public support for education, housing and childcare. These direct and indirect benefits make a significant contribution to average living standards.

73. The system of minimum wages in Australia is supervised effectively. Please refer to Australia's report under ILO Convention No. 81, Labour Inspection, 1947, which provides a description of the inspection process.

Equality of remuneration and work conditions for women

74. Australia has ratified ILO Convention No. 100, Equal Remuneration, 1951. Please refer to Australia's 1996 Report to the ILO on this Convention.

75. In Australia, women and men are paid at the same rate for the same job. This has been the case since the principle of equal pay for work of equal value was introduced by the Australian Conciliation and Arbitration Commission (now the Australian Industrial Relations Commission) in the early 1970s.

76. However, women's actual earnings are still lower than men's. February 1997 quarterly data indicate that, seasonally adjusted, the female-to-male ratio for average weekly, ordinary time earnings (AWOTE) for full-time adults was 83.2 per cent. The ratio of female-to-male average weekly total earnings (incorporating overtime earnings) for full-time adults was 79.3 per cent (Australian Bureau of Statistics Average Weekly Earnings States and Australia May 1997, Cat. No. 6302.0). A number of factors influence discrepancies in pay between men and women, such as the fact that:

- women generally do fewer hours per week of paid work (data above relates only to full-time workers);
- women work fewer hours of overtime;
- women tend to be employed in lower level occupations than men;
- women tend to be employed in lower paying industries; and

- women's career progression is far more likely than men's to be interrupted by child-rearing or other caring responsibilities.

77. The 1995 Enterprise Bargaining in Australia Annual Report, released by the Department of Industrial Relations in June 1996, showed only an 0.1 per cent differential between wage increases for men and women in formalized federal enterprise agreements.

Steps taken to eliminate discrimination

78. The Workplace Relations Act 1996 contains a range of provisions specifically addressing the issue of equal pay. These provisions were discussed at paragraph 165A of Australia's Implementation Report to the Fourth United Nations World Conference on Women: Platform for Action, April 1997. Other provisions to address discrimination were outlined at paragraphs 165B, 165C and 178H of that report.

79. Under the South Australian Industrial and Employee Relations Act, 1994 protection is provided against discrimination for those employees who exercise freedom of choice about union membership. This protection applies equally to unionists and non-unionists. In addition, award provisions which grant preference to unionists are invalid, so that all employees can exercise freedom of choice without being disadvantaged in their employment.

80. Included with the major amendments to the Act in 1997 is a prohibition on discrimination decisions by businesses in the supply or purchase of goods or services. The Act had previously prohibited discrimination in businesses in the supply of goods or services for reasons of union membership, or lack of it, of the supplier's employees. It is now an offence for a business person to discriminate against an employer: by refusing to supply or purchase goods or services, or in the terms on which goods or services are supplied or purchased, on the ground that the employer's employees are, or are not members of an association.

81. The Affirmative Action Agency is a federal statutory body responsible for implementing the Affirmative Action (Equal Opportunity for Women) Act 1986. The Act covers private sector employers that employ 100 or more employees, including private companies, universities, schools, community organizations and trade unions.

82. Organizations covered by the Act are required to develop and implement affirmative action programmes for women, and report to the Agency on the progress of these annually. The Act outlines the areas where action needs to be taken in developing and implementing affirmative action programmes.

83. According to the Act, these areas are as follows, as outlined in Section 8 (1):

(a) for the issue to the employees, by a senior officer concerned with the management of the relevant employer, of a statement to the effect that the employer, in accordance with this Act, commenced the development and implementation of an affirmative action programme on a specified day, being the operative day in relation to the employer;

(b) to confer responsibility for the development and implementation of the programme (including a continuous review of the programme), on a person or persons having sufficient authority and status within the management of the relevant employer to enable the person or persons properly to develop and implement the programme;

(c) to consult with each trade union having members affected by the proposal for the development and implementation of the programme in accordance with this Act;

(d) to consult with employees of the relevant employer, particularly employees who are women;

(e) for the collection and recording of statistics and related information concerning employment by the relevant employer, including the number of employees of either sex and the types of jobs undertaken by, or job classifications of, employees of either sex;

(f) to consider policies, and examine practices, of the relevant employer, in relation to employment matters to identify any policies or practices that constitute discrimination against women, and any patterns (whether ascertained statistically or otherwise) of lack of equality of opportunity in respect of women;

(g) to set objectives and make forward estimates in the programme; and

(h) to monitor and evaluate the implementation of the programme and to assess the achievement of those objectives and forward estimates.

84. In 1995, the Affirmative Action Agency introduced a new reporting format. This has enabled the Agency to gain a clearer picture of the equality of opportunities for women in Australian workplaces, by asking specific questions on the criteria mentioned above. In particular, questions relating to section 8(1) (f) examine personnel policies and practices, including the promotion of women.

85. In 1996/97, 2,750 of Australia's largest organizations submitted reports to the Agency. This represents a significant proportion of Australian industry covering approximately 2,210,000 employees. According to Agency data, 80.6 per cent of these organizations indicated that they had policies and practices in place to ensure equity for women in promotions and transfer opportunities.

86. The Affirmative Action (Equal Employment Opportunity for Women) Act 1986, stipulates that section 3(1) (a) "affirmative action programme", in relation to a relevant employer, means a programme designed to ensure that:

(a) appropriate action is taken to eliminate discrimination by the relevant employer against women in relation to employment matters; and

(b) measures are taken by the relevant employer to promote equal opportunity for women in relation to employment matters.

87. Consequently, employers are responsible for developing and implementing programmes to eliminate any inequality in opportunity for promotion.

88. The Equal Opportunity (Commonwealth Authorities) Act 1987 sets forth the minimum requirements for equal opportunity programmes to be developed and implemented by a number of federal statutory authorities (those employing 40 or more staff). Similar provisions in the Public Service Act 1922 extend these requirements to other federal Government agencies. The latter Act also puts a positive obligation on federal Governments to implement equal opportunity programmes to benefit certain disadvantaged groups, including those protected by the sex Discrimination Act 1984.

Rest, leisure and reasonable limitations on working hours

89. Australia has ratified ILO Convention No. 47, Forty Hour Week, 1935. Please refer to Australia's 1992 report to the ILO on this Convention. Standard or ordinary time hours are generally prescribed by federal awards and agreements and state legislation. Generally, though, standard hours are prescribed by industrial tribunals. Today the actual standard working week for the vast majority of Australian workers varies from 35 to 40 hours, depending on the industry.

90. Industrial tribunals have the power to alter the standard hours under an award or for a specific industry. Federal and state awards and agreements also make provision for other aspects of employment time. These include, overtime payments, shift work, meal breaks and rest periods, rostered days off, stand-by and call-back, weekend work, illegal work and travelling time. In this regard, enterprise agreements tend to be more flexible than awards.

91. State parliaments may make laws regulating the hours of employees working in that state (including for non-award employees).

92. A number of major amendments were made to the South Australian (SA) Industrial and Employee Relations Act, 1994, in August 1997. To assist the SA Government's goal of the workplace relations system operating in a compatible manner with the federal system, the Act now contains a specific object of encouraging and assisting employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers.

93. The incorporation of this object is significant, since it provides industrial authorities such as the SA Industrial Relations Commission and the SA Employee Ombudsman, with evidence of a legislative intent to encourage innovation on work and family matters.

Periodic holidays with pay

94. Annual leave is usually four weeks paid leave, taken by employees in one or more period, although many awards and agreements provide for additional annual leave entitlements for shift workers and workers in remote localities. Annual-leave loading is an award provision granting an additional payment to an employee taking accrued leave (usually an additional 17.5 per cent amount for the period of the leave).

95. Employees are usually entitled to between 10 and 12 days of paid public holidays per year. Pay for permanent workers for such holidays is typically prescribed in industrial awards. Substitution arrangements can also be provided to enable employers lessen the disruptive effects of public holidays on their work. Substitution arrangements are generally about providing a substitute holiday when a public holiday falls on a Saturday or Sunday.

96. Where employees are engaged on a casual basis awards and agreements typically provide an additional amount of loading payment in substitution for, among other things, not being provided with paid annual leave or sick leave.

97. It is estimated that more than 20 per cent of wage and salary earners are not covered by industrial awards. These are mainly management or salaried employees. State legislation generally guarantees entitlements to paid annual leave and public holidays, and limits the maximum number of standard hours that can be worked. For management or salaried employees, their particular contract of employment may specify prescribed hours, annual leave and public holiday entitlements.

Changes during the reporting period

98. The federal Government is constrained by the Constitution from legislating directly on specific conditions of employment, such as hours of work, annual leave and public holidays, other than for its own employees. However, the Australian Government has introduced flexibility into the federal industrial relations system. This has allowed employers and employees to vary standard award conditions by agreement. The industrial relations legislation has been amended to allow non-union collective agreements, individual agreements, as well as for recognition of informal agreements.

99. In all cases of formal agreement-making, whether union or non-union collective agreements or individual agreements, the employer and employees may vary the terms of industrial awards to change conditions of employment at the workplace. This is subject to a global no-disadvantage test. This means that such agreement may disadvantage employees in relation to specific terms and conditions of employment provided that, on balance, their overall terms and conditions do not decline. There is now a range of workplace agreements which have varied the treatment of hours of work, annual leave and public holiday provisions with the aim of achieving better productivity outcomes. State governments have introduced, or are planning to introduce, similar forms of legislation to apply to agreement-making within their state industrial relations systems.

100. During the reporting period, the Victorian State Government reduced the number of public holidays and changed arrangements for the observation of substituted public holidays in that State. This led to the introduction of a new federal award standard providing for a minimum of 11 public holidays per year, and the observance of substituted public holidays. (Refer to appendices 32-37 for supplementary information on the protection of this right.)

Specific state contributions: South Australia

101. In order to provide greater flexibility to employers and employees in the private sector, the South Australian Long Service Leave Act, 1987, was amended in 1997 to allow individual agreements over: cashing out long service leave; deferring long service leave; granting long service leave on less than 60 days' notice; and the taking of long service leave in anticipation of the entitlement becoming due.

102. In South Australia the trend towards enterprise bargaining quickened with the enactment, in August 1994, of the Industrial and Employee Relations Act. The Act provides for the making of an enterprise agreement with a group of employees, whether or not the employees are members of unions. Under the system all employees are protected by a safety net of minimum employment standards. Apart from providing the opportunity to introduce changes relating to wages, working conditions and productivity improvement measures as an alternative to industry-wide awards, enterprise agreements also provide the opportunity to give recognition to many existing informal workplace arrangements.

103. This Act also created the first Office of the Employee Ombudsman in Australia. The role of the Employee Ombudsman is to: assist employees in industrial bargaining; advise employees of industrial rights and obligations; investigate complaints by employees and unions; scrutinize proposed enterprise agreements; and assist and advise home-based employees and outworkers.

Western Australia

104. The Minimum Conditions of Employment Act 1993 provides all Western Australian workers with a set of minima covering such entitlements as: annual leave, sick leave, bereavement leave, public holidays, parental leave and a minimum rate of pay. These are minima only. Individual employers and workers are free to negotiate higher rates of pay or greater amounts of leave. The Western Australian Government reviews the minimum wage rate annually and adjusts that rate accordingly.

105. The Workplace Agreements Act 1993 provides employers and workers with an opportunity to negotiate employment agreements that are designed to meet the workplace needs of the parties. These agreements, underpinned by The Minimum Conditions of Employment Act 1993, can be negotiated directly between employers and workers or by the parties' chosen representatives. If the parties choose to have representatives, the Act requires that each party recognize the other's chosen representative.

106. The Industrial Relations Act 1979 also makes provision for awards and industrial agreements which specify working conditions and entitlements in some industries. Awards cease to apply to individuals or groups of individuals who have a registered workplace agreement. (Refer to appendices 38 and 39 for supplementary information on the protection of this right.)

Article 8: The right to join and form trade unions

107. Australia has ratified ILO Convention No. 87, Freedom of Association and Protection of the Right to Organize, 1948. (Refer to Australia's 1996 report to the ILO on this Convention.) To achieve registration under the federal industrial relations systems, a trade union must meet certain statutory requirements of a formal nature. The trade union must, for instance, have at least 50 members and be free from employer influence. Further details are provided below. It should be noted that although registration under the federal system confers certain benefits, this is neither compulsory nor a prerequisite to the formation or functioning of a trade union.

108. To join an organization of employees registered under the Workplace Relations Act 1996, a person must be eligible to become a member under the eligibility rules of the organization and pay the required fees for membership of the organization. There are no special legal provisions regarding the establishment of trade unions by particular categories of workers.

109. The Act contains extensive freedom of association provisions (Part XA of the Act). Details of these provisions are set out in pages 29-30 of the attached legislation guide. There are no legal or practical restrictions placed upon the exercise of the right of trade unions to federate and join international trade union organizations. All trade unions are free to establish and join federations and confederations. All trade unions, federations and confederations also have the right to affiliate with international trade union organizations. The federal and state governments have, therefore, not found it necessary to take legislative or other action to accrue such a right to trade unions.

Limitations on the free functioning of trade unions

110. As already mentioned, a trade union wishing to register under the federal industrial relations system must satisfy certain legislative requirements. However, registration is voluntary, not a precondition to the formation or operation of a trade union.

111. Broadly, the statutory prerequisites for registration under the federal industrial relations system require a trade union to be a bona fide organization of employees; to have a minimum number of members (the Act lowered the number from 100 to 50 members); and to have rules which provide for specified matters such as the democratic election of officers, the management and control of the financial affairs of the organization, and the terms and conditions upon which a person may become or cease to be a member of the organization.

112. The Act introduced provisions for the registration of "enterprise associations", that is, associations of employees which have eligibility rules covering a majority of employees in an enterprise. The criteria for registration for enterprise unions differ from those applicable to other types of employee associations. The provisions of the Act relating to enterprise unions are summarized on page 31 of the attached Legislation Guide (appendix 102).

113. While registration confers certain benefits or rights on trade unions, (for example, corporate and legal personality; standing for various purposes before the AIRC and the Federal Court of Australia; a statutory capacity to be a party to awards and agreements under the Act; a high degree of protection of the organization's industrial coverage), it also carries with it certain responsibilities or obligations. Those obligations include: compliance with certain statutory requirements designed to ensure the democratic control of organizations by their members and the protection of the members' interests, and acceptance, subject to statutory rights of review and appeal, of the decisions of the AIRC relating to matters affecting the organization and its members. Non-compliance with awards and orders of the AIRC is a ground for seeking the cancellation of an organization's registration.

114. These responsibilities or obligations may be regarded as limitations upon the right of trade unions to function freely, but they apply only to registered trade unions and as already indicated, registration is not compulsory.

Measures taken to promote free collective bargaining

115. Australia has ratified ILO Convention No. 98, Right to Organise and Collective Bargaining, 1949. (Refer to Australia's 1997 report to the ILO on this Convention.) The Workplace Relations Act 1996 introduced a new framework which supports a more direct relationship between employers and employees. The Act places greater emphasis on collective and individual bargaining, but retains a safety net of fair minimum wages and conditions (contained in awards made by the AIRC).

116. There were 46 organizations of employees registered in the federal system under the Act on 30 June 1997. The most recent publication of official trade union statistics, titled Trade Union Statistics, Australia, prepared by the Australian Bureau of Statistics (ABS) shows that as at 30 June 1996 there were 132 trade unions in Australia. It should be noted that not all unions are registered under federal or state legislation. To avoid duplication where a trade union is a branch of a larger organization, only the larger organization is counted. An interstate trade union (with members in more than one state) is only counted once in the national total. Unions with interstate associations which are not strictly branches of a common organization are counted as separate unions in the totals for Australia.

117. For the purpose of these statistics, a trade union is defined as an organization, consisting predominantly of employees, the principal activities of which include the negotiation of rates of pay and conditions of employment for its members. In August 1996, 31 per cent of Australia's 7,062,100 employees aged 15 years and over, were trade union members (appendix 38).

The legal right to strike

118. The Act provides that employers and organizations of employees can take, subject to certain procedural preconditions, protected industrial action to support and advance their claims when bargaining for a proposed certified collective agreement. The industrial action is protected from liability under the common law or under state and territory statutes, unless it involves

personal injury, defamation, wilful or reckless destruction of property, or the unlawful taking, keeping or use of property; or a secondary boycott. The Act widens the right to engage in protected industrial action, to negotiations between an employer and employee in relation to a proposed Australian workplace agreement - a form of agreement which may be negotiated collectively, but must be signed individually by employees. Further details on the availability of, and limitations upon, protected industrial action are provided on pages 35 to 38 of the attached Legislation Guide (appendix 102).

119. As indicated above, industrial action can only be taken when bargaining for a single business certified agreement or an Australian workplace agreement. Industrial action other than for genuine bargaining for agreements is not protected. For industrial action to be regarded as protected industrial action, certain procedural preconditions must first be met. These preconditions are summarized at page 21 (Australian workplace agreements) and at pages 23 to 25 (certified agreements) of the attached Legislation Guide.

120. The position of members of the armed forces, the police and the administration of the State is addressed below. Otherwise, the only special legal provision regarding the exercise of the right to strike by certain categories of workers is contained in legislation concerning "essential services".

121. Apart from sections 30J and 30K of the Crimes Act 1914, details of which are set out below, there is no general Commonwealth legislation dealing with the maintenance of "essential services", however defined, during a period of industrial disruption. The Australian Government has taken the view that the processes available under the Act should be used to resolve industrial disputes affecting the maintenance of essential services.

122. As to the right to form and join a trade union of one's choice, no restrictions are placed upon members of the police force or the administration of State. Members of the police forces and persons engaged in the administration of the State enjoy the same rights as other workers. Members of the armed forces are not "employees" under Australian law, and are therefore not eligible to register a trade union under the federal system.

123. However, armed forces personnel are entitled to join non-registered industrial associations, such as the Armed Forces Federation of Australia (ArFFA). The ArFFA regularly puts submissions to the Defence Force Remuneration Tribunal, a specialist industrial tribunal which establishes remuneration and conditions of employment for Australia's armed forces. Armed forces personnel also have access to well established internal and external grievance procedures.

124. Section 30J of the Crimes Act 1914 provides that, upon a Proclamation by the Governor-General of Australia that there exists in Australia a serious industrial disturbance prejudicing or threatening trade or commerce with other countries or among the states, participation in or incitement to strike (including job control) and lock-outs is forbidden while the Proclamation remains in force. This provision has not been invoked since 1951.

125. Under section 30K of the Crimes Act 1914, obstruction or hindrance of the performance of services by the Australian Government or of the transport of goods or persons in international trade by means of violence, intimidation or boycott is prohibited. There have been no prosecutions under this section for many years.

Article 9: The right to social security

126. Australia has faced substantial labour market and social changes in recent years. This created significant unemployment, particularly long-term unemployment following the recession in the early 1990s, coupled with the demographic ageing of the population. The policy response to these trends has been the greater targeting and individualization of benefits and reforms aimed at encouraging self-provision and income supplementation through increased labour force participation. There has been a greater focus on the "capacity to pay principle" which aims to achieve a more equitable and sustainable system of welfare provision.

127. Other responses include the simplification of programmes and payments that should lead to greater public support of those provisions. Changes to social security policy are evident in a number of areas, including adequacy of payments, self provision, enhanced employment opportunities and improved simplicity and consistency. Each of these areas of reform is discussed below.

128. The states and territories of Australia have responsibility for certain aspects of social welfare such as health, public housing and accident insurance. Employment injury benefits (called workers' compensation) are provided to Commonwealth Government employees by Comcare, a separate instrumentality. Each Australian state or territory is responsible for providing coverage to the workers within its jurisdiction.

129. Additionally, the state governments finance a diverse range of concessions which provide supplementary assistance to many low income groups, including the aged, the unemployed, people with a disability, sole parents, veterans and carers. These concessions provide valuable assistance to low income earners by increasing the affordability of many essential services and assist in achieving social justice objectives.

Adequacy of income support payments

130. The Government is committed to maintaining and improving the adequacy of payments for social security recipients while restraining the level of Government spending. To ensure that the purchasing power of social security payments are maintained, rates of payment are indexed in line with movements in the Consumer Price Index (CPI). In addition, the Government has legislated to ensure that pension rates are maintained at 25 per cent of Male Total Average Weekly Earning (MTAWE). While CPI indexation provides for indexation of payments in line with price rises, the MTAWE benchmark will complement this by ensuring that pensioners share in increases in community living standards as measured by wages. Low-income families will also benefit from this initiative.

131. Better measures of adequacy, using the budget standards methodology and the living standards framework, are also being explored which may provide insights into alternative approaches to assessing adequacy.

132. The Government has provided greater incentives for self-provision while strengthening the "capacity to pay" principle. This aims to more equitably distribute the existing and future financial burdens in the areas of retirement incomes, care for the elderly and health.

133. Recent reforms to Australia's retirement incomes system aim to provide incentives to encourage financial independence so that individuals can achieve a higher standard of living in retirement than would have been possible from the age pension alone. In addition to increasing private pension (superannuation) coverage and tax-assisted compulsory savings through the Superannuation Guarantee, the Government has announced a range of measures to further encourage self provision. They include:

- introduction of a deferred pension bonus plan for people continuing in at least part-time employment beyond age pension age;

- improving the operation of the preservation rules governing superannuation, including a phased increase in the age to which superannuation entitlements are compulsorily preserved;

- introducing a savings rebate for individuals who make undeducted member contributions, and/or who earn net personal income from other savings and investments, up to an annual cap of $3,000;

- allowing small business people who direct all of their earnings into their business to claim an exemption from Capital Gains Tax on the sale of a small business where the proceeds are used for retirement;

- removing the social security superannuation means test exemption for people aged 55 years and over with no recent workforce experience;

- increasing the age limit up to which a person can make superannuation contributions;

- introducing a rebate on superannuation contributions in respect of a low-income spouse; and

- introducing a tax rebate for low-income, self-funded retirees, that is, those who do not receive an age pension.

134. To ensure that the superannuation system is more equitable, the Government announced in the 1996/97 budget a tax surcharge on all superannuation contributions made by high-income earners.

Enhanced employment opportunities

135. The Government has acted to enhance more active elements of assistance for the unemployed. As part of this process there have also been innovative reforms in the direction of individualizing benefits, in recognition of the changing labour force participation of women. Recently, a greater range of employment opportunities for people of working age have been introduced to complement the Government's economic and social policies.

136. From May 1998 the Government is introducing Job Network, a fully competitive market for employment services. Job Network will be funded by "cashing out" most of the funding previously provided for labour market programmes. Job Network is a new, national network of private, community and government organizations which have been contracted by the Government to find unemployed people, particularly the long-term unemployed, the right job. Employment National, the corporatized public provider and the successor to the Commonwealth Employment Service (CES) is one of the more than 300 Job Network organizations. Job Network organizations will offer more flexible and tailored assistance to job seekers depending on their level of need. Job Network organizations will canvass employers for jobs and match individual job seekers to vacancies that suit them.

137. While many job seekers will benefit from these new job matching arrangements, other more disadvantaged job seekers may need job search training or intensive assistance before they can find and retain a job successfully. Job search assistance will provide training in job search techniques (résumés, interview techniques, presentation) to prepare unemployed people to apply for jobs and give them the skills and confidence to perform well when speaking to employers. This will generally be targeted to job seekers who have been unemployed for 6 to 12 months and who have current work skills. It will provide tailored help to job seekers who are long term unemployed or are disadvantaged in the labour market. It will address job seekers' employment barriers and place them in jobs.

138. Employment services will be more effective because the majority of payments to Job Network organizations will be outcomes-based. That is, the Government will pay Job Network organizations who place eligible job seekers in a job. Broadly, an eligible job seeker is someone in receipt of Commonwealth Government income support or an unemployed person aged 15 to 20 years, or any person seeking to be placed in an apprenticeship or traineeship. This ensures that the bulk of the Government's money will be directed to those who are particularly disadvantaged in their search for work.

139. To further improve services to job seekers, the Government has established Centrelink, a new Commonwealth agency, which will combine the income support facilities of the Department of Social Security with some CES functions. Every unemployed person will have free access to the much bigger register of job vacancies available through touch screen facilities in Centrelink offices and on the Internet. Job seekers will also have access to computers, photocopiers, facsimiles and telephones to help them prepare résumés and apply for jobs.

140. Employment opportunities have also been enhanced through the provision of extensive in-work benefits such as flexible guidelines allowing part-time work, extending the hours for voluntary work, access to maximum family payments for low income earners, and financial assistance with child-care support. These initiatives maximize choice and opportunity while maintaining a secure safety net for those facing disadvantage. Other measures include extending the Jobs, Education and Training (JET) programme for sole parents to other similarly disadvantaged groups, including partnered payment recipients and allowing JET advisers to purchase pre-vocational training for eligible applicants. Other measures include expanding the number of places for apprenticeships and traineeships in new technology, information and service industries.

141. People in special needs groups who require specialist forms of assistance to overcome barriers to finding employment will have access to "intensive employment assistance". This involves a personal assessment of need, followed by customized assistance such as training, job search assistance and wage subsidies. There is also a greater emphasis on "mutual obligation" on the part of those receiving unemployment benefits to be actively seeking work or pursuing training opportunities. Job-seekers are issued with a "job-seeker diary" to encourage more active and intensive job search in the early stages of unemployment. Better accountability procedures enhance the integrity of the programme, result in more positive job outcomes, and foster increased community support for the unemployed.

142. The objective of the Jobs, Education and Training (JET) strategy is to improve the financial position of eligible clients by promoting their entry or re-entry into the labour force. Assistance under the strategy is available on a voluntary basis to sole parents, widow and carer pensioners, widow allowees, sole parents in receipt of special benefits pensions (due to lack of sole parent residency status) and partner allowees, from March 1997.

143. Under Job Network, the Government will provide Centrelink officers to facilitate specialist assistance to sole parents and help them to access Job Network. The Government will also ensure that funding allocations and selection guidelines for intensive assistance provide an equitable share of total assistance to sole parents. The JET strategy will continue to provide information, advice, education, pre-vocational training and access to child care to eligible sole parents.

144. The Work for the Dole initiative is based on the principle of mutual obligation - that it is fair and just that people receiving unemployment benefits from the community be asked to make a contribution to the community in return. In October 1997, 179 pilot projects were announced. The projects are providing placements for more than 10,000 unemployed young people. There are now pilot projects in every state and territory with most of the projects in rural and non-metropolitan areas with high youth unemployment.

145. The first projects have now started. Priority for participation in the pilot project is given to young people aged 18-24 years who have been unemployed for at least six months. Projects comprise 80 per cent of participants from this target group. Projects are intended to provide

participants with: new skills, a variety of tasks, challenges and responsibilities, opportunities to work in teams and mix with people, and a sense of pride in their work and achievements.

146. The Government has announced that the principle of mutual obligation will be further extended from July 1998. Under enhanced mutual obligation arrangements, unemployed young people aged 18 to 24 will be required to participate in further activities in addition to job search, after having been on unemployment benefits for six months. These activities will include part-time work, voluntary work, education or training or participation in a Government-funded programme. Government-funded programmes will include literacy and numeracy training for up to 12,000 young people with poor literacy and numeracy skills, the Job Placement, Employment and Training programme, which provides holistic support for homeless and other very disadvantaged young people, and Work for the Dole.

147. The Government has therefore decided to expand the Work for the Dole initiative to 25,000 places annually New projects will be located primarily in areas of high youth unemployment. Projects will be of value to participants and the community. Most Work for the Dole participants and projects will be volunteers, however some job seekers will be required to join projects. A competitive assessment process will be conducted to select sponsors for the new Work for the Dole projects which are expected to start in August 1998.

148. In implementing the Work for the Dole scheme, the Government has given careful consideration to precise conditions under which the scheme is to operate to ensure that it is consistent with Australia's international obligations. Please refer also to article 27 of Australia's 1996 report under the Convention on the Rights of the Child for further discussion of this issue.

149. Policies for combating fraud include the tightening of activity test measures and increasing penalties for breaches of the Social Security Act. These will ensure that adequate assistance is provided to the genuinely unemployed and that self-help and financial independence is encouraged. Extending and improving data matching programmes will also assist with reducing fraud, increasing debt recovery and better targeting of services and payments.

150. Additional measures, such as the application of a liquid assets test and the utilization of unused leave credits, prior to claiming for income support, and counting superannuation investments as part of income and assets for people 55 years or more, will further ensure people with significant resources support themselves for a period before becoming eligible for unemployment benefits. A National Carer Action Plan is also being implemented from 1 July 1998. This increases funding for respite services and carer resource centres, increases eligible non-caring days and days in paid or voluntary work, training or study and extends payment to those caring for profoundly disabled children under the age of 16.

Family policy

151. The Government recognizes that providing an economic and social environment in which families can achieve their full potential is crucial to maintaining a strong, cohesive and compassionate society. The Government has recognized the diverse needs of families facing different life stages and the pressures of combining paid employment and child-raising responsibilities. A range of measures have been introduced that are designed to relieve the pressures and allow greater choice in how to balance work and child-care responsibilities. The reforms also recognize the complex role of women in society and aim towards greater flexibility for women in this context. While modified individual entitlement in the allowance system was introduced in response to potential work disincentives, particularly for couples, individualized eligibility for benefits also provides women with greater access to labour market programmes and assistance to enter the workforce.

152. The Government has recognized the important contribution made by partners who remain at home to care for children. For example the Parenting Allowance provides a separate source of income for the partner who remains substantially out of the workforce to care for children. The Child Care Rebate (from April 1998) offsets child-care expenses for children where the parent(s) are working, studying, training or seeking employment. In addition, the Family Tax Initiative (FTI), implemented in January 1997, also recognizes the costs of raising children and the income forgone by families with only one parent in the paid workforce. The FTI will reduce the tax liability for low and middle income families with children, subject to a ceiling. This includes additional assistance for single earner families with children aged under 5 years.

153. To support families in their task of raising children, the Government has provided funding for the development of high-quality parenting education initiatives.

154. A National Planning Framework will be established to ensure that growth in the child-care sector is sustainable and meets the needs of families. Changes proposed include extending a more logical Childcare Assistance to families using outside school hours care services and introducing a cap on access to Childcare Assistance for non-work related childcare. These changes better target payments to families in need of work-related childcare and include provisions for children with additional needs. Funds are also being increased substantially over the next four years to enable children with special needs to access quality child-care services.

155. A range of landmark reforms to service delivery, structures and payments, together with administrative reforms, will see a new era in social welfare customer service that will contribute to a more innovative and efficient public and private sector enterprise. Reforms to ensure a better customer focus, more flexibility and public accountability involve the establishment of the Commonwealth Services Delivery Agency (Centrelink), which from 1 July 1997 has been responsible for the delivery of income support including student assistance, child-care subsidies and some employment services. Additional services will be added over time through specific purchaser/provider agreements that will reflect the multiple accountabilities.

In effect, it is expected that Centrelink will become a "one-stop shop" for a wide range of Government services. It will be able to take advantage of economies of scale, eliminating duplication of services and improved accountability.

156. Improved accountability will be complemented through a more integrated and specialized services delivery particularly for customers in remote areas, indigenous people, recently arrived migrants, lone parents, people with a disability, youth and older people facing retirement. Also evident in a number of areas is the simplification and streamlining of various programme structures, eligibility and payments. This will improve service delivery and contribute to customer understanding of entitlements, choices available regarding payable activities and the smoother administration of payments.

157. Examples of streamlining include reducing from three to one the areas responsible for assisting families with child-care costs, and making all child-care payments through Centrelink from 1 January 1998. A number of programme and benefit structures have also been simplified. For example, reducing the number of labour market programmes from 20 to 4 (employer incentives; enterprise and adjustment assistance; training for employment and job-seeker preparation and support) during the transition to the new employment services due to commence 1 May 1998.

158. The Youth Allowance, to be introduced from 1 July 1998, will replace most income support programmes designed for young people, including benefits to young unemployed people under 21 years, students under 25 years and young people qualifying for sickness benefit. The Youth Allowance will replace five separate payments/programmes and reduce the current number of payment rates from 13 to 5. The Youth Allowance will offer a more seamless system of income support that is responsive to the movements of young people between study, unemployment and work and remove current disincentives for young people to participate in education and training. It is also proposed that, from 1 July 1999, all social security payments will be made fortnightly in arrears, utilizing a single set of date-of-effect provisions.

159. From 20 March 1998, Sole Parent Pension and Parenting Allowance will be replaced by a single parenting payment that will recognize the child-rearing responsibilities of parents irrespective of marital status. Families can also now access national information on approved child-care services, their location, fees and quality with the recently launched Child Care Access Hotline. This service represents the first national service of its kind and has already had a positive response from families. The Government is also working towards renegotiating the roles and responsibilities of the Commonwealth and the states and territories in the provision of various services. These include housing assistance, which is the subject of a senior level taskforce examining options for housing reform.

160. Australia has also implemented several administrative reforms with the objective of improved and more cost-effective service provision. These reforms will also limit misuse of the social security system. These initiatives include adopting a corporate management approach to administering

social security entitlements, devolution of accountability and responsibility for services to area offices, improved customer information, and rewriting the Social Security Act and the Child Care Act 1972.

161. In addition, computer system changes have enhanced services to customers and aided the identification of incorrect payments and fraud. A national network of TeleService Centres (TSCs) became operational in December 1992 to act as a first point of contact for clients who may not need to visit the regional offices in person. Consequently TeleService, which has recently been expanded, contributes to easing client workloads in Department of Social Security offices resulting in a more complete and effective service overall.

Social security payments in Australia

162. Australia's social security system forms a vital part of the Government's social justice strategy. It provides income support for people who are retired, have a disability or medical condition that prevents them from working, are unemployed, have children in their care or are not in a position to care for themselves because of special circumstances. Social security payments made are as follows:

- retired: age pension, wife pension;

- disabilities and the sick: disability support pension, disability wage supplement, wife pension, carer pension, sickness allowance, mobility allowance, child disability allowance;

- unemployed: youth training allowance, Newstart Allowance, mature age allowance;

- families with children: family payment, maternity allowance, parenting allowance, double orphan pension, sole parent pension, the Jobs, Education and Training programme (JET), Child Support Scheme, maternity immunization allowance, and family tax payment; and

- special circumstances: pharmaceutical allowance, telephone allowance, rent assistance, remote area allowance, Widow B Pension, Special Benefit, disaster relief payment, farm household support, health care and concession cards and postal concessions for the blind.

163. In addition, states provide substantial concessions and benefits for people on low incomes, particularly to ensure access to essential services, for example, electricity and water concessions, and reduced-cost public transport. Emergency financial assistance is also available to people in financial crisis or extreme need.

164. From 4 March 1997, new migrants to Australia have to wait two years before having access to most social security payments, including Newstart, sickness, youth training, widow, partner, parenting, mature age allowances and Special Benefit. However, Special Benefit allowances are available to people who suffer a substantial change in circumstances for reasons beyond their

control. The policy aims to ensure that migrants provide for their own support during their initial settlement period in Australia, rather than immediately relying on Commonwealth income support. The policy applies equally to all migrants who arrive in Australia or are granted permanent residence on or after 4 March 1997, regardless of race, nationality or ethnic origins. (Refer to appendices 41-44 in particular for supplementary information on the protection of this right.)

Specific state contributions: Victoria

165. During 1993/94, Victoria produced the The Price of Care report in consultation with the Standing Committee of the Commonwealth and State Women's Advisers, recognizing the social and economic costs for women carers and proposing future directions designed to improve the financial status and well-being of carers, and the value of their work to the community. The recommendations in the report were accepted by the Commonwealth/State Ministers for the Status of Women.

166. In 1995/96 Victoria introduced status as a carer as a ground of discrimination in the Equal Opportunity Act 1995, ensuring that caring responsibilities will not be a basis for discrimination. In 1996, Victoria launched the Victoria Strategy for Carers, with $100 million over four years being allocated to support carers in the community, to reduce the financial and work burden of carers of people with disabilities, chronic and mental illness, and the elderly. The programmes will recognize and reflect both the diversity and common interests of carers. Services will pay individual attention to the specific need of carers, and ensure that the key role of carers is recognized and rewarded. This initiative was, in part, a product of the Commonwealth/State Ministers' Conference work on the The Price of Care report.

Article 10: Protection of and assistance for the family

167. In Australia, the federal Government plays a major role in family policies and in financing programmes and services that support families. The majority of federal Government support for families is provided, to those who satisfy the tests for availability, in the form of financial assistance through the social security system. This system has undergone significant reform over the last two decades, partly in response to changing family structures, and needs of the economy and labour market.

168. State governments also play a major role in protecting and supporting families. These programmes include universal services (for example, childcare), others targeted to those most in need (especially directed at preventing family breakdown, and ensuring the safety of children), and community development and neighbourhood support designed to provide stronger, healthier and more supportive communities. Extensive services are also provided to support youth. These include universal services (focused on education, employment, training, social, sporting and cultural activities), as well as particular services targeted at young people in situations of particular need, for example, in conflict with their family, homeless, young offenders, abusing drugs or alcohol.

Social security assistance for families

169. The Department of Social Security (DSS) provides means-tested financial assistance to more than two million families with dependent children, representing some 80 per cent of Australian families with dependent children under the age of 16. In 1996/97, outlays exceeded $12 billion, accounting for around 30 per cent of total Department of Social Security outlays, and 2.3 per cent of Gross Domestic Product.

170. For the purposes of paying social security payments a young person who has not turned 16 is a dependent child of another person if the adult is legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of the young person, and the young person is in the adult's care; or if the young person is not a dependent child of someone else under paragraph (a) and is wholly or substantially in the adult's care. This is subject to the financial and residential status of the "dependent child" (Social Security Act 1991, Section 5).

171. A "family member", in relation to a person, means: (a) the partner, father or mother of the person, or (b) a sister, brother or child of the person, or (c) another person who, in the opinion of the Secretary (of the Department of Social Security), should be treated for the purposes of this definition as one of the person's relations described in paragraph (a) or (b), (Social Security Act 1991, Section 23 (1)). Also for the purposes of social security payments, a "partner", in relation to a person who is a member of a couple, means the other member of the couple, (Social Security Act 1991, Section 4 (1)).

172. The main payments provided under this programme are:

- Family Payment: a minimum rate of payment available to most families with children and a higher rate of payment for low-income families. The rate of Family Payments varies depending on the family's income and assets, the number and ages of children, whether the family is renting privately and whether it is headed by a lone parent;

- Parenting Allowance: assists families where one partner cares for the couple's dependent child, or children under 16 years and is not in paid work or has a low personal income;

- Maternity Allowance: a non-taxable lump-sum payment for each child born to families who qualify for Family Payment. The Allowance is also payable for a stillborn or deceased child for whom the parent would have qualified for Family Payment;

- Maternity Immunisation Allowance: this payment is the second instalment of Maternity Allowance and will be paid (from 1 January 1998) to encourage parents to fully immunize their children;

- Family Tax Payment: a fortnightly cash payment directed at low-income families, that is, those whose taxable income entitles

them to more than the minimum rate of Family Payment. It has two components: one provides assistance to families on a per-child basis, while the other provides an additional flat-rate amount for single-income families with children under 5 years;

- Sole Parent Pension: a payment to a person who is not a member of a couple and who is caring for a child or children, the youngest of whom is under 16 years. The lone parent also qualifies for this pension if the child qualifies the person for Child Disability Allowance. Where relevant, the recipient must take reasonable action to obtain child support from the children's non-custodial parent. Lone parents are also eligible for assistance through the Jobs, Education and Training programme; and

- Double Orphan Pension: this is paid to certain children who have no parents to care for them.

173. Families with disabled children receive additional non-means-tested assistance through the Child Disability Allowance, provided by DSS at an estimated cost of Aus$ 233 million in 1996/97. Families receive further assistance for the care of children through the Child Care Cash Rebate (a cash reimbursement that pays a percentage of families' work-related child-care costs).

Major reforms and policy directions in family payments

174. The last two decades have been a period of significant and ongoing change for the family payments system in Australia. The main developments in this process of reform have been:

- using the social security system rather than the taxation system to provide assistance to families. For example, in 1976 flat-rate tax rebates for dependent children were "cashed out" and combined with the income support payment of Child Endowment to form a new family payment known as Family Allowance. The main purpose of the change was to assist the large numbers of families whose taxable income had been too low to take full advantage of the rebates;

- significant increases in the adequacy of family payments, particularly for low-income families. For example, from 1 January 1997, the Family Tax Initiative has increased the incomes of families with children, to an income ceiling of approximately $70,000 and provided additional assistance to lone parents and other single-income families;

- increases in coverage and extensions to eligibility for family payments such as the introduction of a means-tested Maternity Allowance, in February 1996, to assist with the costs incurred by a family at the time of the birth of a child, or for most families through the Family Tax Initiative implemented in January 1997;

- greater targeting of family payments to those most in need of support. Coupled with increased levels of assistance provided

particularly to low-income families, has been a series of moves to target family payments to low and middle income families. This marks a move away from the concept of universality and horizontal equity towards a greater concentration on vertical redistribution. This series of measures has progressively reduced the number of families eligible for support through the family payments system;

- greater integration of different family payments. Since 1993 various payments with similar rates and purposes have been amalgamated to better meet the needs of clients and reduce excessive administration;

- an emphasis on directing family payments to the parent with the major responsibility for the care of the children. Child-related payments and tax concessions in two-parent families have progressively been directed away from the partner who is the family's main income earner (usually the male) to the partner who is the main carer of the couple's children (usually the female). This move reflects a presumption that such payments are more likely to be used for the benefit of children if paid to their main carer, and also a concern to achieve a greater degree of gender equity in the distribution of such payments;

- providing families with greater choice about balancing employment and child-rearing responsibilities. In the context of increasing female participation in the labour force and an increase in the number of two income families, the Government has introduced policies aimed at assisting families to combine work and child-raising responsibilities. These policies have included the promotion of greater flexibility in the workplace, the support for continuing provision of childcare places and assistance with the cost of paid care, and the development of broader options for employment training, as well as a system of family payments which support the choices of families in regard to their labour market and caring roles; and

- a major extension in the assistance to lone parents. For example, the Jobs, Education and Training programme introduced in 1989 to assist lone parents train for entry or re-entry into the workforce.

Young persons

175. In Australia, the Commonwealth Government is responsible for providing income support payments to those members of the community who are unable to support themselves. The Government has recognized the need for young people to move between study and employment (including searching for work) or to combine these activities in different ways.

176. In order to provide more flexible income support to young people, subject to enabling legislation, the Government will introduce from July 1998 a new means-tested Youth Allowance for all young people aged 16 to 20 years, extending up to 25 years for full-time students. The Youth Allowance will

also provide greater incentives for young people under 18 years to stay in full-time education or training. The Youth Allowance will be designed to discourage dependence on income support and encourage families who can afford to support their children to do so.

177. With the introduction of the Youth Allowance on 1 July 1998 the age of dependency for a number of previously separate payments, namely Austudy, Newstart, Youth Training Allowance, Sickness Allowance and more than minimum rate of Family Payment for secondary students not in receipt of Austudy, will change. Unemployed people to the age of 21 years and full-time students to the age of 25 years will be considered dependent on their parents unless they meet a number of criteria demonstrating their independence. A parental means test will be applied to measure the parents' capacity to take financial responsibility for the living expenses of their dependent children.

178. Other income support payments will continue to be available for young people who are sick, have disabilities, or are caring for dependent children. The Government is conscious that the traditional model of choosing either full-time study or full-time employment does not hold for many young people. Increasingly, young people are using short but intensive vocational courses, part-time and casual employment, and various combinations of study with employment, as routes to full-time employment.

179. ILO Convention No. 156, Workers with Family Responsibilities, 1981, was ratified by Australia on 30 March 1990. Two reports have been submitted to the ILO concerning the Convention's implementation, most recently in 1993.

180. ILO Convention No. 103, Maternity Protection (Revised), 1952, is unlikely to be ratified by Australia in the current circumstances, as there are significant impediments to compliance, in particular relating to paid maternity leave. Nevertheless, Australia respects the spirit of Convention No. 103, and federal industrial relations legislation provides that parental leave is available to all employees employed under the federal system including those employees not covered by industrial awards. This entitlement supplements, not overrides, entitlements under other federal, state and territory legislation and awards. The revision of Convention No. 103 is on the Agenda of the International Labour Conference (ILC) for June 1999.

181. ILO Convention No. 138, Minimum Age, 1973, has not been ratified by Australia as there are significant impediments to compliance with its provisions, in particular concerning the requirement for a statutory minimum age for employment. Despite the difficulties with establishing compliance with the Convention, Australia places great importance on the education of children and on their health, safety and morals when undertaking work. Legislative provisions in the states and territories, which prescribe for compulsory education to the age of 15, child welfare, and occupational health and safety, ensure that child labour is not a problem in Australia, thus demonstrating respect for the spirit of Convention No. 138.

182. Australia has ratified the following ILO Conventions concerning minimum age: No. 7 Minimum Age (Sea), 1920; No. 10 Minimum Age (Agriculture), 1921;

No. 15 Minimum Age (Trimmers and Stokers), 1921; No. 58 Minimum Age (Sea) Revised, 1936; No. 112 Minimum Age (Fishermen), 1959; and No. 123 Minimum Age (Underground Work), 1965.

183. Australia is not alone in its difficulties with Convention No. 138 (which has been ratified by only 51 of the ILO's 174 member States) and is actively participating in the development of new ILO instruments which focus on eliminating extreme or exploitative forms of child labour. The proposal for new instruments will be discussed at the ILC in 1998 and 1999 with the aim of adopting a Convention and a recommendation in 1999.

184. The ILO instrument dealing with child labour is the ILO Minimum Age Convention, 1973 (No. 138). This Convention prescribes a minimum age of entry into employment and work (15), with limited exemptions for light work for children aged 13-15 years and artistic performances. The Convention defines "employment and work" as any labour performed, whether under contract or not. This prevents the practice of children working in their family household, business or farm. Difficulties with the Convention, such as this, have prevented Australia from ratifying it.

185. However, children under 15 may be employed on a part time, casual or seasonal basis. Australia recognizes that child employment or work, which is outside school hours and is not harmful to the child's health or development, may be a valuable experience which can contribute to a child's physical and mental development and future employment prospects. Children sometimes perform work in their household or for their family's business (including farm work).

186. In response to community concerns that income support for homeless young people was contributing to some young people leaving home prematurely and thereby contributing to family breakdown, coupled with concerns that parents were not sufficiently involved in the process of assessing claims to establish whether or not a young person was genuinely homeless, the Government introduced a two-year pilot programme designed to improve the rate of voluntary family reconciliations.

187. Twenty-six community agencies were funded to test a range of early intervention strategies aimed at improving the level of engagement of young people claiming income support at the homeless rate in family reconciliation, education, training and other community activity. Early figures show that of the roughly 54 per cent of applicants for income support at the homeless rate that fall within the target group for the programme, approximately 25 per cent accept referral to the pilot agency.

188. Austudy is normally paid at the standard rate, subject to parental means testing. Students may receive a higher independent rate, free of parental means testing, if they meet any one of a number of independence criteria. One of these criteria relates to age, and allows the independent rate to be paid if a student is 25 years of age or older. The age of independence was raised to 25 in 1997 in recognition of the obligation of parents to contribute to the educational expenses of their children when they have the means to do so. (Previously the age of independence had been progressively lowered from 25 in 1992 to 22 in 1995 and 1996.)

189. The term "family" is not specifically defined in Commonwealth legislation. However, interpretation of the law emphasizes the Government's commitment to support children, people with disabilities, elderly persons, and those who care for them - as reflected in its ongoing reform of Family Policy. While the conventional nuclear family is the most prominent family form (in line with trends in other Western countries), the Government supports and respects the choices made by Australians in defining their own family. It recognizes the many ways in which families create and conduct their lives, inclusively honouring differences of race, ethnicity, culture and religion, and promoting self-sufficiency and social responsibility. The Australian Institute of Family Studies continues its research into the nature, needs and diversity of families, providing a wealth of data to assist the development of equitable family policies.

190. Attainment of majority is generally at or around the age of 18 years. At 18, individuals are entitled to vote and to purchase and consume alcoholic beverages and tobacco. They are entitled to obtain a driving licence at 16 years and 9 months, and to marry at 18 for males and females (or younger with appropriate consent). The Family Law Act deems people under the age of 18 years to be children. There is provision, however, for maintenance orders to be made for over-18s, where the individual is completing his or her education, or has a physical or intellectual disability.

191. Marriage in Australia is regulated by the Marriage Act (1961), a statute of the federal Parliament, and applies to men and women without distinction. Premarital counselling is available to couples, who are required to give one month's official notice of their intention to marry (although this period may be waived in exceptional circumstances).

192. The Marriage Act provides a comprehensive regime dealing with the solemnization of marriages in Australia. Normally marriage is not permissible unless the parties to the prospective marriage have attained the age of 18 years. In exceptional circumstances where one party to a proposed marriage is under the age of 18 years and has already turned 16 the court may grant approval to that person being married to a specific person over the age of 18. The Marriage Act also provides recognition of marriages conducted overseas and in this regard gives effect to the 1978 Hague Convention on Celebration and Recognition of the Validity of Marriages.

Maintaining, protecting and strengthening the family

193. The Department of Social Security administers a range of benefits designed to assist parents in meeting the costs of raising children, and to care for elderly people and people with disabilities. In addition, the Department of Health and Family Services provides support in the form of targeted programmes to assist families, elderly people and people with disabilities and their carers. It also administers programmes especially tailored to meet the needs of Aboriginals and Torres Strait Islanders. Assistance is available to single parents.

194. Other non-traditional family units are dealt with on a case-by-case basis. The health of all Australian families is protected by Medicare. The federal Government pays for 85 per cent of most commonly required medicines.

The federal Government supports all families with children, giving special priority to the needs of low-income families. Programmes for families and children are continually reviewed and updated to ensure that the needs of Australian families are being most effectively met. The Department of Social Security also administers a range of benefits designed to assist parents meet the costs of raising children. These are detailed below.

195. In addition, the federal Department of Health and Family Services and state government departments provide support in the form of targeted programmes to assist and support families, elderly people and people with disabilities and their carers. Both levels of government administer programmes especially tailored to meet the needs of Aboriginal and Torres Strait Islanders.

196. In the federal and some state public sectors, maternity leave with pay is provided for varying periods to most female employees. Otherwise leave without pay is made available. In the private sector, entitlements are covered by varying industrial agreements. Parental leave, including leave without pay, is available to fathers as well as mothers.

197. The Sex Discrimination Act 1984 makes it an offence to dismiss employees on the grounds of pregnancy, potential pregnancy, marital status or family responsibilities unless exemptions under the Act apply.

198. It is compulsory for expectant mothers to be absent six weeks prior to the estimated date of confinement, unless medical certification of fitness to work is provided. A recovery period of six weeks after the birth is also compulsory, unless medical exemption is granted. These regulations exist to protect the health and safety of the mother and child. Medicare provides access to medical and hospital services for all Australians, and for certain categories of visitors to Australia. Maternity and parenting allowances and social security benefits are means tested to favour those most in need of assistance. They include:

- maternity allowance: a one off payment to assist the costs associated with the birth of a baby;

- special benefits: to support a single woman before and after confinement;

- sole parent pension: to support a single mother or father;

- family allowance: available to most parents. The amount is means tested and related to the age of children;

- parenting allowance: to boost the income of a parent caring for children at home; and

- maternity immunization allowance: to encourage parents to fully immunize their children.

199. Our current system has evolved from a Child Endowment payment, which was a non-means-tested benefit, instituted in 1941. Income support for single

mothers was introduced in 1973, and expanded to cover single fathers in 1977. Over time, assistance has evolved to reflect differing family circumstances, and to ensure that those most in need receive assistance.

200. The Family Law Act 1975, insofar as it relates to matters affecting children and the provision of better alternative dispute resolution mechanisms, was amended by the Family Law Reform Act 1995. These amendments came into effect on 11 June 1996. The new provisions contain an objective section to ensure that children receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties, and meet their responsibilities, concerning the welfare and development of their children (section 60 B (1)).

201. Under the new provisions neither parent has sole responsibility to the exclusion of the other unless they agree in writing or the Court so orders. The significance of this change is that neither parent has a right conferred by statute to make decisions in relation to the care and control of the child to the exclusion of the other. The Court has, however, the power to vary the incidents of parental responsibility where this is in the best interests of the child.

202. The approach of the new legislation is consistent with the United Nations Convention on the Rights of the Child which Australia ratified on 17 December 1990. Please refer also to Article 32 of Australia's 1996 report under the Convention on the Rights of the Child. (Refer to appendices 45 to 54 for supplementary information on the protection of this right.)

Specific State contributions: New South Wales

203. In New South Wales (NSW) Part 4 of the Industrial Relations Act 1996 ensures all full-time and part-time workers with at least 12 months continuous service are entitled to 52 weeks unpaid parental leave. This protection is offered to both men and women in connection with the birth or adoption of a child, although both parents cannot take parental leave at the same time. The parental leave protections provided by the Industrial Relations Act may be extended, but not diminished, by industrial awards and enterprise agreements between employers and employees.

204. In NSW, persons may consent to heterosexual or lesbian sex at 16 years of age and male homosexual sex at 18 years of age. A person may be convicted of a criminal offence at 10 years of age. The Crown must prove that a 10 to 14-year-old offender knew their actions were "seriously wrong" in order for them to be convicted.

205. In NSW the Education Reform Act 1990 provides that children under the age of 15 must attend schooling, preventing them from entering the full-time workforce. However, the Minister for Education and Training may issue certificates (s25) exempting certain children under 15 from attending school. These children are not prevented from accepting full-time employment. Section 51 creates an offence of endangering children in employment (where the child's physical or emotional well-being is placed at risk). Section 52

requires employers of a certain type (e.g. door-to-door marketeers and entertainment industry) to be authorized by the Department of Community Services to employ children.

206. In August 1997 the Royal Commission into the NSW Police Service released its Paedophile Inquiry Report, which contained 140 recommendations for the protection of children from abuse. The Government has already implemented over a third of those recommendations: it established the Child Protection Enforcement Agency to identify and prosecute child sex offenders and is committed to establishing an independent Children's Commission to respond to the needs and interests of children.

Article 11: The right to an adequate standard of life

207. The right to an adequate standard of living is recognized in Australia, and supported by a system of social welfare which protects the most disadvantaged in society - the unemployed, the sick, the elderly, indigenous peoples and people with disabilities. Targeted benefits, along with free or low-cost health care, help to ensure that those most in need maintain an adequate standard of living. Australia's commitment to maintaining and improving standards of living is reflected in legislative processes, at the various levels of government and in the coordinated activities of many departments of government.

Indigenous Australians

208. The health status of indigenous Australians is significantly worse than that of the general population. The indigenous population suffer a higher burden of illness and die at a younger age than non-indigenous Australians. This is true for almost every type of disease or condition for which information is available. In recognition of this the federal Department of Health and Family Services (DHFS) is working collaboratively with Aboriginal community controlled health services, the Aboriginal and Torres Strait Islander Commission and the state governments on coordinated strategies to improve the health status of indigenous people.

209. The Office for Aboriginal and Torres Strait Islander Health Services of the DHFS has developed a number of specific strategies to improve the overall health status of indigenous people. These strategies are in line with DHFS's priority of assisting indigenous people to access a comprehensive level of primary care.

Older Australians and people with disabilities

210. Older Australians and people with disabilities have ready access to a comprehensive framework of high quality and cost-effective care services and subsidized medical and hospital treatment. Effective strategies have been developed to target the more costly residential care services to those who really have no other choices. The National Home and Community Care Program offers a range of services, including home help, personal care, food services, transport assistance and community nursing, to ensure that older people living at home maintain an adequate standard of living.

211. To assist people with disabilities to participate in community life as equal citizens, the Government is implementing a plan to ensure that they have access to a range of services and programmes. The Disability Discrimination Act 1992 contains a mechanism for formulating standards, known as disability standards, in relation to employment, education, accommodation, the provision of public transportation services and facilities, and, the administration of Commonwealth laws and programmes in respect of persons with a disability. Standards development has been in train since 1995. The advantages of the "standards" approach is to provide a participatory and proactive means of achieving the objectives of the disability Discrimination Act 1992, providing certainty for all concerned, rather than the less certain, inefficient and less equitable alternative of a purely complaint-driven process.

212. The Commonwealth Rehabilitation Service assists Australians with a disability to gain or maintain employment, and to live as independently as possible within the community.

The Australian food supply

213. Australia's food supply is abundant, and data suggest that nutritional deficiencies should be uncommon. The energy content of the Australian food supply has never been lower than 12.9 megajules per day, a value exceeding the weighted mean Recommended Dietary Intake. In addition, the Australian protein intake exceeds the minimum recommended amount. Given that the primary causes of diet-related death and morbidity are diseases associated with overeating and poor food sources, the Government funds community education to encourage people to eat nutritional foods. There is an emphasis on ensuring that the population is both well-informed about potential health risks, and motivated to explore opportunities for better health.

214. Australia enjoys the benefits of ongoing improvements in these areas. Currently, a nationally consistent food regulatory system is being developed. It includes a State-wide, coordinated food hygiene standard, with agreed systems for food surveillance, risk classification, and monitoring of food businesses. The new, streamlined monitoring arrangements will enhance consumer confidence and also ensure that foodstuffs entering the export market are of the highest standards. While the system will increase protection of public health and safety, by the removal of unnecessarily complex regulatory burdens, food production will remain a competitive and viable industry.

215. Australia aims for efficient, market-oriented rural industries, capable of supplying market demand at low cost, with maximum ecological sustainability. Rural policy is informed by the research activities of the Department of Primary Industries and Energy, and the Commonwealth Scientific Industrial Research Organization (CSIRO) and state government agencies.

The right to adequate housing

216. While most people are able to house themselves, low-income earners and those without employment are sometimes unable to compete in the housing market. In recognition of the right to adequate housing for all, assistance is available. The Commonwealth Department of Social Security is responsible for strategies to assist low-income earners, and people otherwise

disadvantaged, to meet their housing needs. Most assistance is provided through the Commonwealth State Housing Agreement (CSHA) and the Rent Assistance Program.

217. The CSHA is a multilateral arrangement between the Commonwealth and each state or territory, under which the Government provides annual grants for housing assistance. The Agreement is embodied in legislation (the Housing Assistance Act 1989), and aims to assist every Australian with access to housing that is affordable, secure and appropriate to his or her needs. In 1995/96 the Commonwealth provided $1,062 million to the states and territories for public housing and related assistance.

218. Rent Assistance (RA) is a programme administered and funded by the Commonwealth through the social security system, with an annual cost of over $1,500 million. It is a supplementary payment to assist with the cost of private rental housing, and which is available to people receiving pensions and allowances and to low-income families.

219. The Supported Accommodation Assistance Program is one of the primary Government responses to homelessness. It is a jointly funded Commonwealth-State programme which provides supported accommodation services and other assistance to people who are homeless, or in immediate danger of becoming so. The programme aims to assist people in crisis to achieve the maximum degree of self-reliance and independence. There is a focus on the re-establishment of family links, where possible, and reintegration into mainstream society. As well as addressing immediate needs for shelter, the programme provides support to assist people in achieving independence.

220. Legislation covering landlord/tenant rights and obligations falls within the separate province of each state and territory. While the specifics of each piece of legislation vary, in general, they deal with standard leases, bond monitoring, fitness of premises, maintenance and repair, insurance and other matters of concern to stakeholders. In addition, tenants are protected by the Racial Discrimination Act, the Sex Discrimination Act, and the Disability Discrimination Act. These Acts aim to ensure that accommodation is not denied to people on the basis of race, gender or disability.

221. The Building Code of Australia is a uniform set of technical requirements and standards for the design and construction of buildings and other structures. Its basic objective is to ensure that acceptable standards of structural strength, fire safety, health and amenity are maintained. Dwellings must be furnished with facilities for cooking, for washing clothes, and have adequate sanitation facilities, minimum ceiling heights and be damp-proofed to prevent unhealthy conditions. Those standards, along with those governing the adequacy of plumbing and electrical installations protect the health and safety of occupants.

Housing for indigenous Australians

222. The Department of Social Security provides resources for the provision and development of indigenous housing through the Aboriginal Housing Rental Program, where $91 million per annum of tied funds are made available to the states and territories through the CSHA. While the specific application of

the funds varies from state to state, the funding and programme arrangements make a significant contribution to indigenous-specific housing in general, and the development of community housing planned and controlled by indigenous Australians in particular.

223. Aboriginal and Torres Strait Islanders have a statistically lower rate of home ownership (28 per cent compared with 67 per cent for the rest of the population). Their specific housing needs have been recognized in the form of a successful Home Ownership Scheme ($36.78 million in new loans in 1996/97 and a total loan portfolio of $240.4 million). The Aboriginal and Torres Strait Islander Commission also manages the Community Housing and Community Infrastructure Program (approximately $215 million per annum), which aims to increase the number of Aboriginal and Torres Strait Islanders with access to adequate housing, infrastructure facilities and essential municipal services consistent with, and appropriate to their expressed needs. The programme comprises regional, state and national funding streams for the provision and maintenance of community housing and essential infrastructure in Aboriginal and Torres Strait Islander communities. (Refer to appendices 55-61 for supplementary information on the protection of this right.)

Specific State contributions: South Australia

224. South Australia has a commitment to an ongoing programme of an urban renewal. Redevelopment continued in the northern suburbs of Elizabeth and Hillcrest where there are high levels of older style public housing estates. New projects commenced in the rural areas of Port Lincoln and Risdon Park. Feasibilities are occurring for other areas to regenerate communities and provide a better environment and improved standard of housing and amenity.

225. The South Australian Cooperative and Community Housing Act, 1991, operates as an enabling piece of legislation to encourage strategies whereby community groups can provide housing and related services.

New South Wales

226. In December 1995 the New South Wales (NSW) Minister for Housing released a Green Paper outlining a range of strategies to reform housing assistance to low-income people, including increasing the choice of assistance options for low-income earners, improving the quality of existing public housing stock and encouraging private sector investment in public housing.

Victoria

227. Victorian legislation has established the Intellectual Disability Review Panel, a formal appeal mechanism for protecting the rights of people with an intellectual disability. The panel provides an independent, external source of appeal for people with a disability where there is a grievance over their eligibility for services, the content of their General Services Plan, their transfer to a residential Training Centre, the use of restraint and seclusion. Where a person is living in a secure residence, provision is also made for a 12-month review of their placement.

Article 12: The right to enjoy physical and mental health

228. Recognizing the right of everyone to enjoy the highest attainable standard of physical and mental health, Australia is a key player in the ongoing reform of international health policy, with particular focus being given to the World Health Organization's Renewal of Health-for-All strategy. In addition, to maximize the effectiveness of international health cooperation, we are moving towards an international standard in regulatory systems for therapeutic goods, chemicals and foods.

Public health

229. Public health policy is informed by an emphasis on continuous improvement in the general health of Australia's population. Australia's Public Health Program includes activities aimed at understanding and controlling the determinants of disease, promoting good health and reducing the public exposure to risks encountered as a result of lifestyle or the environment.

230. The Commonwealth, state and territory governments have collaboratively endorsed national targets for improvements in five national health priority areas - cancer prevention, mental health, injury prevention and control, cardiovascular disease and diabetes mellitus. This national approach, known as the National Health Priority Areas initiative, seeks to focus public attention and health policy on those areas that contribute most to the burden of illness in the community, particularly if the burden can be significantly reduced. The diseases and conditions targeted through this collaboration have been chosen because they are areas where significant gains in the health of Australia's population can be achieved.

231. The Commonwealth, all state and territory health authorities, the National Health and Medical Research Council and the Australian Institute of Health and Welfare have established a formal National Public Health Partnership in response to a need for a national approach to public health. Representing an integrated approach for the first time in our public health history, the Partnership seeks to raise Australia's public health profile through improving the health status of Australians, particularly population groups most at risk.

232. National public health strategies take into consideration cultural, social and economic matters, addressing a variety of health issues affecting all ages of the Australian population. There are a number of national strategies (including those addressing national health priority areas) aimed at reducing the incidence of preventable early death, morbidity, injury and disability in Australia. The vast majority of public health strategies are directed at reducing the burden of illness, encompassing the continuum of care from prevention through to treatment and management, and are underpinned by evidence based on appropriate research.

Equitable access to health services

233. Health-care financing and service provision are a mixture of public and private sector activity, with responsibility shared by both Commonwealth and

state and territory governments. Total national spending on health falls around the middle of the OECD range, and overall, the community enjoys a high standard of health care. In order to more effectively target resources to where they are needed most, and to continue to improve health outcomes for the community, Australia is strengthening the evidence base of the Medicare Benefits Schedule. The initiative will assure consumers that new and existing medical procedures have been rigorously evaluated to test their safety, efficacy and appropriateness.

234. While we have yet to achieve the optimum balance of public and private funding, medical services and low-cost pharmaceuticals are available to those who need them, with specific target groups (Aboriginal and Torres Strait Islander peoples, senior citizens and people with a disability) being able to access services which have been specifically tailored to their needs. Under a Memorandum of Understanding with the Aboriginal and Torres Strait Islander Commission (ATSIC), there is a commitment to ensure that all health areas are responsive to the needs of Aboriginal and Torres Strait Islander peoples. Indigenous peoples have a statistically lower health status than the rest of the population, and initiatives are being developed and implemented, to reduce specific conditions and diseases which are prevalent among them. In particular, the National Diabetes Action Plan aims for the early diagnosis of diabetes in indigenous and migrant communities. Partnerships have been built between the Aboriginal community, states, territories and ATSIC, to ensure that all parties work together to improve the planning and delivery of both mainstream services and those developed specifically for Aboriginal and Torres Strait Islander peoples.

The National Mental Health Strategy

235. The Strategy is a commitment by state, territory and Commonwealth Governments to improve the lives of people with a mental illness. It aims to promote the mental health of the Australian Community, and prevent the development of mental health problems and disorders. Policy directions in mental health have moved away from archaic "solutions" to mental illness, such as separation and institutionalization, and towards promoting a community-based system of treatment and support.

236. Consistency in mental health legislation is an integral part of Australia's mental health reform process. Model mental health legislation has been developed under the auspices of the Australian Health Minister's Advisory Council National Mental Health Working Group, to assist states and territories to achieve the goal of developing consistent legislation. Ultimately, the Strategy seeks to engage all members of the community in a partnership to eliminate the abuse, injustice, misunderstanding, ignorance, stigma and discrimination surrounding mental illness, so that abuses of the human rights of people with a mental illness are not tolerated.

237. A $20 million Action Plan on Aboriginal and Torres Strait Islander Emotional and Social Well-Being responds to the high and unmet need for mental health care in indigenous communities. It concentrates on trauma and grief counselling, training initiatives, the development of culturally based mental health services and a youth suicide programme, and conducts research into factors which impact on the mental and emotional health of indigenous peoples.

238. The National Youth Suicide Strategy identifies best practice approaches for the identification of suicide risks, and for the development of effective support and intervention for the young people affected. Since a high proportion of young people in rural areas are affected, the Government is funding counselling services in rural and remote areas, and providing activities which assist youths and their families to overcome crises.

239. Given the high proportion of humanitarian refugees who have suffered human rights abuses, Australia has established a Program of Assistance for Survivors of Torture and Trauma, with a service available in all capital cities.

240. In common with other nations, Australia is searching for better ways to reduce illicit drug and alcohol misuse, particularly in relation to young people. The National Drug Strategy recognizes the complexity of drug issues, and adopts a comprehensive approach, which emphasizes cooperation between law enforcement agencies, health sectors, educational institutions, private industry and non-government organizations. In 1997, The Council of Australian Governments decided that a new "Tough on Drugs" National Illicit Drug Strategy will be the next phase of the new national drug strategy which will operate until 2002. The allocation of a further $189.1 million balances efforts to intercept drug traffickers with resources for education, treatment of users and research. The National Drug Strategy will continue to focus on the harm caused by all drugs including alcohol and tobacco.

Women's health

241. Australia is one of few countries to have a National Women's Health Policy. The policy evolved from consultations with individuals and organizations representing over 1 million women across the country, and aims to improve female health and well-being in all age groups. The strategy identifies health issues specific to women - reproductive health, health of ageing women, violence against women, health needs of women as carers, mental and emotional health, occupation, health and safety, and health effects of sex role stereotyping. A range of primary health-care services has been established, ensuring that significant numbers of rural and indigenous women, as well as women from diverse cultural backgrounds, can gain access to appropriate care. Initiatives aimed at addressing the special health needs of women, such as programmes for the early detection of breast and cervical cancer, are well-established. Reflecting our commitment to the right of all citizens to good health, campaigns are adjusted to the needs of a multicultural population.

242. In the 1995/96 Federal Budget, funding of just over $3 million over five years was allocated to a National Education Program on Female Genital Mutilation. The National Education Program on Female Genital Mutilation aims to provide culturally appropriate intervention to prevent the occurrence of female genital mutilation in this country and to assist those women and girls living in Australia who have already been subjected to this practice. It targets people from communities that traditionally practise female genital mutilation now living in Australia (from over 28 countries) and the health and community workers providing services to these countries.

243. Following the International Year of the Family, the Government is closely examining issues in need of follow-up. So far, we have instituted a National Strategy for the Prevention of Child Abuse and Neglect, and a National Program of Action in response to the United Nations World Declaration on the Survival, Protection and Development of Children. A practical outcome of this initiative is substantial funding for parenting education. Family and Children's Services, in concert with key stakeholders, works strategically to reduce the incidence of child abuse and neglect, youth homelessness and domestic violence. There is also a focus on more choices for women in childbirth, with birthing centres offering a range of alternatives to what some women deem as medically invasive delivery processes. A cross-programme collaboration has added nine more birthing services for Aboriginal and Torres Strait Islander women. To maximize the life and health potential of every child, the Government has taken strong action to encourage immunization against preventable childhood illnesses, and is funding a Breastfeeding Awareness Campaign.

Older Australians

244. As the population ages, there is an even stronger imperative to ensure that older people have access to health care, and that quality of life is maintained. In conjunction with State and Territory Governments and non-government organizations, Australia is developing a national approach for maintaining and improving the health of older people. Recognizing that independent living enhances the dignity of older people, the Government assists older Australians to live in their own homes for as long as possible, and supports their carers in their caring role.

Australians with a disability

245. The federal and state Governments fund programmes which promote participation and choice in work and community life for people with disabilities. There is a focus on the needs of the families and carers of people with disabilities. In recognition of the health benefits of active participation in society, disability employment services provide training and advocacy to secure work for those who want it.

Rural health

246. Australia's National Rural Health Strategy sets a framework for ensuring maintained and improved access to health services in rural and remote areas - critical in one of the least densely populated continents. The strategy, a joint initiative of the Commonwealth, states, territories and the rural health community sector, incorporates key steps to improving the recruitment and retention of rural health professionals including rural doctors, nurses, allied health workers and indigenous health workers. It supports the development and resourcing of programmes to enable access to the broadest possible range of necessary health services. In remote areas, Australians are accessing services and health professionals through health transport services such as Royal Flying Doctor Service and other medical and health retrieval agencies as well as through new technology such as videoconferencing and the

use of electronic information transfer. New models and means of delivering health services to rural and remote Australians are being promoted at the national level.

247. Although there is a generous supply of general practitioners in Australia (1:800 is the ratio of general practitioners to the population), there are some rural areas with very limited access to medical services. To address this inequity, the Government is developing a range of initiatives to encourage doctors to practise in country areas. For example, the Rural Incentives Program, which offers a package of inducements (including specialized training), aims to attract and retain general practitioners in remote communities. Australia is a vast continent, and consequently, many people live in considerable isolation from major urban centres.

248. A number of state and territory Governments are allocating significant resources to trial a system of "telemedicine" - a health-care initiative which uses technology-assisted communications to facilitate services in remote locations. In Victoria, education, training and research initiatives include the promotion of multidisciplinary approaches to recruiting and retaining rural health professionals, specialist education and training for both urgent and chronic care needs of rural dwellers and telehealth and Internet technologies.

The National HIV/AIDS Strategy

249. Australia has a well-respected reputation for its success in controlling the spread of the HIV/AIDS virus. Policies encourage education and awareness, and are based on developing, fostering, valuing and strengthening health partnerships throughout the country. The National Indigenous Australians' Health Strategy, based on the analysis of public health evidence, emphasizes that improving the sexual health of Aboriginal and Torres Strait Islander peoples is not primarily a matter of changing sexual behaviour; rather, it depends upon the provision of appropriate and comprehensive primary health care. The Strategy outlines measures to strengthen the capacity of primary health-care services to deliver comprehensive population health programmes in the area of sexual health, and to improve education and treatment, care and support services for people living with HIV/AIDS. It is intended that the Rural Incentives Scheme will also help to address the imbalance in indigenous health status.

Environmental and industrial hygiene

250. Environmental health monitoring is vigilantly maintained to protect the community from exposure to harmful chemicals and bacteria. While considerable valuable work has been done to improve the quality of air, water, soil and chemical products, it is not possible to derive quantitative assessments of the prevention of illness achieved by this work, because of lack of adequate data on morbidity and mortality from these causes. The Occupational Health and Safety Act aims to protect workers from dangerous and unhealthy work conditions, and is strengthened by public awareness campaigns which focus on

safety in the workplace. Refer also to articles 6, 18, and 24 of Australia's 1996 report under the Covenant on the Rights of the Child. (Refer in particular to appendices 62-68 for supplementary infc mation on the protection of this right.)

Specific State contributions: New South Wales

251. New South Wales (NSW) has developed an Aboriginal Health Information Strategy to increase the state's database about Aboriginal people's use of health services and, in conjunction with the Commonwealth, is developing performance indicators to help improve service delivery to Aboriginal people. An Aboriginal mental health strategy and a family health strategy have also been released.

252. NSW is also currently trialing the Environmental Health Infrastructure Project, which aims to provide coordinated delivery of government (Commonwealth, state and local government) services to upgrade environmental health standards in certain Aboriginal communities. Extensive consultation has occurred with these communities and projects have been designed to meet identified needs. Training programmes have also been included to both increase employment and provide communities with necessary skills to maintain housing and infrastructure.

253. In 1997 the NSW Government introduced important amendments to the Mental Health Act to enable earlier intervention where a person with a mental illness is in need of care. The amendments include a revised definition of a "mentally ill person" requiring care to include a person who is risking not only physical harm but financial harm, harm to close personal relationships and reputation. Other measures include changes to the Official Visitors Program to ensure it is responsive to the needs of people with a mental illness.

254. These changes have been made following extensive consultation with the community, consumer and professional groups, to improve services for people with a mental illness. The Government of NSW recognizes that the legislative framework and mental health services must work together to address the needs of people with a mental illness. In addition to important legislative reforms, recurrent funding for mental health services has increased by an extra $27 million since March 1995. The Government will continue to work to ensure coordinated services and care are available for people with mental illness throughout NSW.

255. NSW has committed $3.4 million to implement innovative Telemedicine trials in regional areas in NSW, including Wilcannia, Wagga, Albury and Tamworth. The projects aim to enhance the exchange of information between regional and city doctors and improve access to specialist services in Sydney and cover the areas of psychiatry, radiology, pathology, paediatrics, ophthalmology and obstetrics.

Victoria

256. Australia's National Rural Health Strategy sets a framework for ensuring maintained and improved access to health services in rural and remote areas -

critical in one of the least densely populated continents. The Strategy, a joint initiative of the Commonwealth, states, territories and the rural health community sector, incorporates key steps to improving the recruitment and retention of rural health professionals including rural doctors, nurses, allied health workers and indigenous health workers. It supports the development and resourcing of programmes to enable access to the broadest possible range of necessary health services.

257. In remote areas, Australians are accessing services and health professionals through health transport services such as Royal Flying Doctor Service and other medical and health retrieval agencies as well as through new technology such as videoconferencing and the use of electronic information transfer. New models and means of delivering health services to rural and remote Australians are being promoted at the national level.

258. In Victoria, education, training and research initiatives include the promotion of multidisciplinary approaches to recruiting and retaining rural health professionals, specialist education and training for both urgent and chronic care needs of rural dwellers and telehealth and Internet technologies. Through patient travel, retrieval and specialist visiting services, the State supports access to the services which address the rights of Victorians to the highest attainable standard of physical and mental health.

259. Through the Rural Health streams and Multipurpose Service Programs, more flexible local service models are being put in place to enable rural communities and their hospitals and other health services to meet local needs. A broader range of community and home-based services are replacing traditional single-focus bed-based health, networking each significant rural community to VicOne, a common access point for all government and private sector agencies to health services and information about health matters.

260. The Crimes (Female Genital Mutilation) Bill was passed in the Victorian Legislative Assembly on 31 October 1996 receiving bipartisan support. The Act became effective on 26 November 1996. The Victorian Government believes that education together with legislation is the best approach to eradicate the practice.

261. In drafting this legislation, the Government, through a working group of the Victoria Women s Council and the Ecumenical Migration Centre, undertook extensive consultations with affected communities. The legislative position supported by the Government conforms with advice from the World Health Organization that legislation should set an unequivocal standard that all forms of female genital mutilation are inappropriate.

262. An Interdepartmental Group on FGM convened by the Victorian Office of Women's Affairs has been coordinating strategies across government departments and other relevant bodies concerning the needs of affected communities. As one aspect of the education strategy and a resource for community information sessions, information material reflecting a whole-of-government approach on FGM has been developed to target professionals and service providers working with affected communities.

263. During 1997, a Koori Project Officer worked for a six-month period with the Victorian Office of Women's Affairs as part of a joint initiative with Aboriginal Affairs Victoria, to investigate the possibility of improving access to government services for Koori women in rural and regional Victoria. Community consultations have been held in two regions to provide recommendations for improved access to services, with consultations to continue across the rest of the state during 1998.

Article 13: The right to education

264. Primary education is compulsory in Australia and is free of instruction fees in all government schools. Government schools enrol around three quarters of the school age population. Fees are charged for attending non-government schools, although some schools waive or reduce fees for low-income families wanting a religiously-based education for their children. State and territory legislation requires that all children between the ages of 6 and 15 (16 in Tasmania) must attend a Government or non-government school, or some other educational programme approved by the Government.

265. The Ministerial Council on Education, Employment, Training and Youth Affairs is the federal/state ministerial forum for national collaboration in policy development and implementation in education and training. The Common and Agreed National Goals for Schooling in Australia provide a framework for cooperation between states, territories and the Commonwealth Government. Total outlays on education from all sources totalled $5,485 million in 1994/95, of which total government outlays (federal and state) were $22,594 million.

266. The prime responsibility for the construction of school buildings rests with the State Governments and non-government education authorities. The federal Government provides additional funds to supplement the efforts of these authorities through the Capital Grants Program, the specific aim of which is to improve educational outcomes in schools catering for educationally disadvantaged students. For 1996, an amount of $326 million was allocated under this programme. Of this figure $211 million was allocated for Government school projects and $115 million for non-government school projects.

267. Commonwealth funding to Government schools is provided through both untied Financial Assistance Grants and through the General Recurrent Grants. The Commonwealth Government provides recurrent funding to Government systems, non-government systems and non-government schools to assist with the recurrent costs of school education. This assists in offering students educational programmes directed towards the achievement of the Commonwealth's priorities for schooling. In 1996, around $2,649 million was allocated under the programme. Of this figure, around $937 million was allocated to Government schools and around $1,712 million to non-government schools.

268. The federal Government is committed to increasing opportunities for parental choice and to a quality education for all Australian children, whether their school is in the Government (open to all regardless of background, disability or location) or non-government sector. Both the Government and non-government sectors are increasingly diverse. The

Commonwealth encourages this trend, which enables schools to respond effectively to the needs of their students and communities. The Commonwealth encourages developments in State and Territory school systems and in the non-government sector, which increase parental choice.

269. Policies promoting choice are supported as a means of improving education outcomes. Three kinds of choice are available to Australian parents: choice between public and private schooling; choice within the public education system; and choice within the private education system.

270. The federal Government has demonstrated its commitment to choice by abolishing restrictions imposed on the public funding and planning of new non-government schools. From 1997, the primary eligibility requirement for a non-government school to receive general recurrent funding is that it has state or territory recognition.

Disadvantaged groups

271. The Commonwealth recognizes that there are some students with particular needs who require additional help and resources to reach their full potential. The Special Learning Needs priority area provides support to improve and widen educational participation for children in isolated rural communities, newly arrived migrant children who require intensive English language instruction, students learning English as a second language and children with disabilities.

272. A range of distance education programmes give children in remote parts of Australia access to education without requiring them to leave their homes. The Commonwealth seeks to improve the educational participation and outcomes of young people with disabilities through the provision of assistance, targeted at schools, organizations, community groups and non-school organizations. The integration of students with disabilities into regular classes and schools remains a high Commonwealth priority.

273. It is often difficult and expensive to provide education for scattered, small populations across large distances. For Aboriginal and Torres Strait Islander communities in dispersed, remote communities, schooling can be provided by a visiting teacher or through other methods, such as distance education. In these communities, schooling participation rates and outcome rates are usually lower than for the general population. In these remote communities, secondary schooling may not be readily available and students may have to move to a larger centre. In some Aboriginal and Torres Strait Islander communities bilingual education is provided. For many children, English may be their second or third language and is not the main language used in the community.

274. In 1994, a national reference group presented its priorities for action in a report entitled the "National Review of Education for Aboriginal and Torres Strait Islander People". Annual performance targets will be directed to those priorities as agreed at the Ministerial Council on Employment, Education, Training and Youth Affairs (MCEETYA) in December 1995. MCEETYA agreed that education and training for indigenous Australians be made a national priority, and that the efforts of all Governments should ensure

significant continuous improvements to make education outcomes for indigenous Australians similar to those for non-indigenous Australians. The Ministers agreed that the following are national priorities:

- making outcomes for indigenous Australians similar to those of non-indigenous Australians;
- setting literacy, numeracy and employment targets;
- involving indigenous parents in their children's education;
- improving pre-school education outcomes;
- expanding secure employment and training of Aboriginal and Torres Strait Islander people at all levels, particularly for Indigenous Education Workers (AIEWs);
- ensuring appropriate professional development of staff involved in indigenous education;
- developing and extending culturally inclusive curricula;
- involving indigenous Australians in educational decision-making;
- achieving similar literacy and numeracy outcomes for indigenous people; and
- addressing the development of sound foundation competencies.

275. The South Australian Department of Education, Training and Employment (DETE) embraces the 1996 National Strategy for the Education of Aboriginal and Torres Strait People 1996-2001. The Strategy has been used as a framework to construct a draft DETE Plan for Aboriginal Education. Critical issues that are key priorities for Aboriginal Education in South Australia are to increase the skill levels, performance and achievement of Aboriginal students in literacy, numeracy and Aboriginal and cultural studies.

Retention rates

276. Secondary education is widely and freely available in Australia. As with primary education, it is provided in both government and non-government schools. Just over 71 per cent of Australian students now remain to the end of Year 12. While this is down from the peak of 77 per cent reached in 1992, it still represents a major improvement on the retention rates of the 1970s and early 1980s (in 1976 the Year 12 retention rate was 35 per cent and in 1986 it was 49 per cent).

277. Indigenous students, students from lower socio-economic backgrounds and students from rural and remote areas tend to have lower rates of retention to Year 12 than their peers. In 1996, the Year 12 retention rate for indigenous students was 29 per cent. In the same year, about 59 per cent of students from lower socio-economic backgrounds are estimated to have completed Year 12, compared with 76 per cent of higher socio-economic students. Around

60 per cent of rural and 51 per cent of remote students are estimated to have completed Year 12 compared with 68 per cent of urban-based students. All of these rates have declined over the last few years in line with the overall decline in retention to the end of secondary school.

278. As well as providing programmes and financial assistance for disadvantaged, the Government has a number of initiatives in place aimed at arresting this decline. These include policies relating to expanding vocational education in schools and to improving literacy and numeracy skills in the early years of schooling. For Aboriginal and Torres Strait Islander students, the national target of 65 per cent retention for the 1990s is more difficult to attain, as approximately only 22 per cent of Aboriginal and Torres Strait Islander students reached Year 12 in 1989. Federal/State collaboration has resulted in programmes with the aim of increasing Year 12 retention by increasing the numbers of indigenous people involved in educational decision-making, improving outcomes, participation and access, and by ensuring that indigenous students are aware of the options available to them.

279. Over 13,000 individual indigenous students received supplementary tutorial assistance in 1996 under ATAS. This does not include those students receiving assistance through the 837 Homework Centres or those indigenous students attending higher education institutions which were bulk funded. There were over 3,000 ASSPA Committees in 1996 operating at the local primary and secondary school level and representing some 81,000 indigenous school students. The ASSPA programme has now been expanded to the pre-school sector.

The Open Learning Initiative

280. Education Network Australia (EdNA) is an Australian initiative which aims to facilitate the provision of cost-effective education to all parts of the education community in Australia. EdNA provides a service which will enable students and teachers at all levels of education to access and share information across Australia and throughout the world. It is available free of charge to all who have access to the Internet. (EdNA can be found at http://www.edna.edu.au.)

281. EdNA also provides a directory of services available on the Internet. Each sector of the education community is developing its part to meet the needs of its particular client group. The Directory is highly innovative and flexible, it is simple to use and help facilities are available. EdNA is a process of cooperation and consultation between representatives of all sectors of the education community including Commonwealth, state and territory governments, non-government schools, the vocational education and training sector, the higher education sector and the adult and community education sectors. It aims to maximize the benefits of information technology for all sectors in Australian education and to avoid overlap and duplication between the various sectors and systems.

282. In addition to the Internet site, there are other equally important aspects of the EdNA process which aim to provide rewards for the whole education community. For example, a committee with representatives from all states and territories, and from all sectors developed a Business Requirement

Analysis. This sets out the full range of services which the education community sees as desirable for possible eventual provision through EdNA.

Vocational education and training

283. In 1996, over 1.35 million students were in vocational education and training programmes delivered through public funds combined with fee-for-service provision through public providers; 83 per cent of vocational education and training clients had their training provided by the public Technical and Further Education (TAFE) system, 15 per cent by community education providers and 2 per cent by private providers. Vocational education and training is increasingly being provided in the workplace and to students in the secondary school sector. With the growth of the training market, the number of private providers is growing, more than doubling to 2,500 in 1996.

284. In 1996, 36 per cent of training activity was in professional or para-professional programmes, 23 per cent in operative or clerical programmes, 19 per cent in trades programmes and 22 per cent in general or unspecified programmes. The schools sector accounts for the majority of persons participating in education up to and including the age of 17 years. From age 18 to 24 years, there is a steady increase in the percentage not participating in education from 32 to 79 per cent. For all ages between 16 and 24, participation in vocational education and training is higher than participation in higher education. In 1996, 47 per cent of vocational education and training students were female.

285. Improving the participation of people from disadvantaged client target groups is an ongoing strategic element in the national goals for vocational education and training. The participation of Aboriginal and Torres Strait Islander peoples in vocational education and training increased from 2.1 per cent in 1995 to around 2.4 per cent in 1996. This compares with the indigenous population of 2 per cent of the total population. The evidence indicates that people of non-English-speaking background are at least equally participating in vocational education and training when compared with their proportion (13.9 per cent) in the general population. People from rural and remote areas have a higher participation rate in vocational education and training (7.9 per cent and 0.3 per cent respectively) than that for capital city and other metropolitan areas (6.6 and 6.7 per cent, respectively).

286. Increasing interest has been placed on the progressive implementation of New Apprenticeships to introduce more flexibilities, new support services and to expand the range of industry sectors offering traineeships and apprenticeships.

287. Since 1996, the Australian Government, as part of wide reforms in the training sector, has been focusing attention on reforms to vocational education in the schooling sector. Under New Apprenticeships, school students will be able to combine study towards a senior secondary certificate with nationally recognized, accredited, vocational education and training. The aim of the reforms is to make training an attractive business proposition for a much wider range of enterprises. This will greatly expand employment and career opportunities for young people and will enhance the international competitiveness of Australian enterprises through enhancing workforce skills.

288. New Apprenticeships build on the strengths of existing training arrangements while addressing their rigidities and shortcomings. The aim is to expand training opportunities by moving traineeships and apprenticeships beyond traditional occupations into new industries, in order to take advantage of growth and employment potential. New Apprenticeships are underpinned by a comprehensive set of reforms in vocational education and training which will simplify and improve the system of national qualifications and standards, and ensure that enterprises can readily obtain training for employees which will enhance their productivity and profitability.

289. Major features of the new system include:

- the inclusion of structured training leading to possible outcomes up to Australian Qualifications Framework (AQF), levels 5 and 6, where programmes involve an employment element;

- greater involvement of Group Training Companies;

- improved pathways from school to work, and increased opportunities for students to begin apprenticeships and traineeships while still at school;

- introducing a National Training Framework providing national competency standards and national qualifications, underpinned by quality assurance mechanisms that guarantee quality outcomes;

- the development of flexible/customized training packages based on endorsed national competency standards, assessment guidelines and national qualifications;

- developing a nationally consistent format for training agreements which will be more focused on the achievement of competencies, and will include streamlined approval and monitoring processes;

- the establishment of Approving Authorities under the Workplace Relations Act 1996, to vary the mix of training and productive time in apprenticeships/traineeships to suit the needs of the employer and apprentice/trainee; and

- the introduction of User Choice in most States and Territories. This will allow the employer, in concert with the apprentice/trainee, to select the training provider of their choice and determine the content and mode of delivery which will make off-the-job training more relevant to their specific needs.

290. In addition to the reforms initiated since 1996, it should be noted that work in schools began with the pilot programmes conducted as part of the Australian Vocational Certificate Training System in 1993.

291. In South Australia, a major strategy called "Ready, Set, Go" was introduced in 1996, which aims to provide all students with the skills and attitudes to be "ready" for work, through the teaching of key competencies and enterprise education; to be "set" for work through the provision of

appropriate careers advice and resources for careers planning; and to be able to "go" into employment because of the development of their confidence and experience through their involvement in quality work placements, community and vocational education programmes.

Literacy and numeracy outcomes

292. The development of curriculum frameworks for Australian schools in eight agreed learning areas has assisted in improving teaching and learning, providing a common language for reporting student achievement. The Government also recognizes the important role of parents in their own children's learning. The Australian Parents Council was funded to conduct a research project Collaborating For Successful Learning - The Parent Factor. The aims of the research were to emphasize how much parents influence their own children's learning, to trial attitudes and ways parents can maximize their children's literacy outcomes in the early schooling years, and to build the cooperative partnership between school, teachers and parents for their children's learning success.

293. In addition, the National Middle Years of Schooling Project will develop a national strategy for the middle years of schooling relating to practices in student support, school organization and professional development. Recent broadbanding of a number of Commonwealth school programmes into the Quality Outcomes Program is designed to further improve outcomes through strategic projects which support the Government's key objectives of improved student learning outcomes in schools. Key focus areas include outcomes-based assessment and reporting across key learning areas, teacher and principal development and professionalism, school organization and reform, pastoral care/student personal development, parental involvement, civics and citizenship, and cross-curricula issues such as literacy, numeracy and information technology.

294. There are difficulties in providing education services to isolated Aboriginal and Torres Strait Islander communities, particularly those groups which have moved away from larger communities to return to their traditional lands. The National Aboriginal and Torres Strait Islander Education Policy endeavours to address the educational needs of all Aboriginal people and Torres Strait Islander people, including those living in remote communities.

295. In collaboration between the Commonwealth, state and territory ministers for education, gender equity: A Framework for Australian Schools has recently been completed to provide advice which will enable improved educational outcomes for girls and boys in Australian schools. The Framework proposes broad areas for action by the systems and sectors in the States and Territories. It is based on five strategic directions for action. These areas are: understanding the process of construction of gender; curriculum, teaching and learning; violence and school culture; post-school pathways; and supporting change.

296. The 1994 inquiry by the House of Representatives Standing Committee on Employment, Education and Training into Violence in Australian Schools investigated the nature, impact and incidence of violence in Australian

schools. As a result of the report, the Commonwealth funded State and Territory forums to identify best practice in school approaches to addressing violence in schools around Australia.

297. The Commonwealth is working closely with state and territory governments to improve literacy and numeracy student learning outcomes. In March 1997 Commonwealth, state and territory ministers of education agreed to new national literacy and numeracy goals: that every child leaving primary school should be numerate and able to read, write and spell at an appropriate level.

298. The Commonwealth, state and territory governments also endorsed a national plan to support the national literacy and numeracy goals. In summary, the National Plan provides for early assessment and identification of at risk students, early intervention, regular assessment against agreed national benchmarks, national reporting of student achievement and recognition of the importance of professional development in improving literacy and numeracy learning outcomes.

299. The National Plan specifically includes:

- comprehensive assessment of all students by teachers as early as possible in the first years of schooling with the purpose of adequately addressing their numeracy and literacy needs and identifying those students at risk of not making adequate progress towards the agreed goals;

- intervening as early as possible to address the needs of all students identified as being at risk;

- development of national benchmarks in literacy and numeracy (at Years 3, 5, 7 and 9);

- assessing students against the Year 3 Benchmark numerate and to be able to read, write and spell from 1998 onwards (and against the Year 5 Benchmark as soon as possible) using rigorous state-based assessment procedures, and that speaking, listening and viewing be added as soon as possible;

- progress towards national reporting by systems and school authorities on student achievements in numeracy, reading, writing and spelling against the Year 3 and Year 5 Benchmarks for each year, beginning in 1999 on 1998 results, data provided being comparable by state/territory;

- agreement to provide professional development to support the key elements of the National Plan;

- $7 million will be provided from the National Strategies and Projects strand of the Commonwealth's Literacy Programme specifically for professional development purposes; and

- $7.5 million will be provided over four years to the Education Centres Network, of which a significant amount will be linked to professional development for teachers to support the National Plan.

300. The low levels of participation of Aboriginal and Torres Strait Islander children in the Australian education systems beyond the compulsory years, is of considerable concern. The social and economic disadvantage of indigenous people, together with inappropriate curricula, have resulted in poor Year 12 retention rates for indigenous school students. A greater recognition of these factors by the federal Government and State and Territory Governments has led to a variety of special educational provisions since the late 1960s. Significant progress in developing more appropriate educational programmes has occurred. An important programme response has been the provision of income support for Aboriginal and Torres Strait Islander students through ABSTUDY.

Literacy programmes for disadvantaged groups

301. The Literacy Program - Grants to Schools to Foster Literacy, was introduced by the Commonwealth in 1996 as an initiative to measurably improve literacy and numeracy outcomes for students from educationally disadvantaged backgrounds. Funding is targeted at students from educationally disadvantaged backgrounds. These include students whose educational outcomes are at risk due to factors such as difficulty in developing English literacy and numeracy skills, an Aboriginal and Torres Strait Islander background, low socio-economic background, family or personal difficulties, residential mobility and geographical location. The funding also supports intervention strategies and professional development programmes for teachers to improve literacy and numeracy proficiency.

302. The Commonwealth Government works cooperatively with states and territories to secure better educational outcomes for all Australian students. The Commonwealth-funded Literacy, Languages and Special Learning Needs Programmes, provide support for students from groups who are currently disadvantaged in their access to education and require additional support to maximize their educational outcomes. The Commonwealth provides a range of targeted income support measures, access to loan funds and delayed, income-contingent payments on a proportion of university education costs (with no real interest rate charged on the debt) to improve access to secondary and tertiary education for all Australians.

303. The languages priority area of the Commonwealth Programs for Schools, includes the National Asian Languages and Studies in Australian Schools (NALSAS) Strategy. It also includes two additional language programmes, namely, Community Languages and Priority Languages. The objectives of these programmes are to support the expansion and improvement in the learning of languages other than English (through the Community Languages and Priority Languages Programs), and to promote participation and quality teaching and learning in Asian languages and Asian studies (through the NALSAS Strategy).

Aboriginal and Torres Strait Islander literacy

304. Problems of literacy and numeracy are far more serious for Aboriginals and Torres Strait Islanders than for other sections of adult population. A large number of Aboriginal and Torres Strait Islander adults were not able to access the full range of school educational opportunities during their youth. Without these opportunities Aboriginal and Torres Strait Islander people have not been able to access the academic and technical skills provided by mainstream courses at technical and further education levels. For people living in remote communities, access to the full Western education system may only be a recent development. This legacy has resulted in the educational needs of many Aboriginal and Torres Strait Islander adults being of an entirely different dimension to those of the rest of the Australian community. Improving these literacy levels is one of the national priorities set by MCEETYA. The October 1994 National Review of Education for Aboriginal and Torres Strait Islander Peoples listed literacy and numeracy, and promotion of Aboriginal and Torres Strait Islander culture as priorities. The Commonwealth, state and territory governments have agreed that in the national context, the cultural appropriateness of curriculum is an issue meriting attention.

The right to higher education

305. Post-secondary institutions in Australia cover the full range of education needs. These institutions comprise higher education institutions and vocational education and training institutions (information on vocational education and training is given under article 6). There are higher education institutions in each of the six states, the Australian Capital Territory and the Northern Territory. Over the period 1982-1993, there was a significant rise in demand for higher education in Australia, resulting in both increasing enrolments and rates of participation.

306. In 1997 there were more than 419,720 Equivalent Full-Time Student Units funded by the Commonwealth Government. This represents an expansion of approximately 25 per cent in the number of Commonwealth-funded places since 1990. In addition, universities will be allowed to admit a limited number of Australian students on a full fee paying basis over and above their Commonwealth-funded load. The freedom to charge fees to Australian students for undergraduate courses is a major policy change in the Australian higher education system.

307. The Higher Education Contribution Scheme (HECS) was introduced in 1989 to help finance the expansion and development of the higher education system. It was devised to obtain a financial contribution from students, without acting as a deterrent to university study. Under the Scheme students are not required to make any contribution until their income reaches a minimum level. The rate of repayment, collected through the Australian Taxation Office, is based on a percentage of income and varies from 3 to 6 per cent, depending on income. There is a discount if students pay all or at least $500 of this contribution "up front" but the majority of students choose to defer the majority of their contribution. The average contribution level represents 37 per cent of the average funding rate for courses of study. There are

three levels of contribution with, for example, general arts units in the bottom band and law and medicine in the top. Revenue raised through HECS is returned to the higher education system.

308. The Government supports both equity and diversity in the higher education system. Its commitment to a diverse and responsive higher education system and its obligation to ensure equity of access to higher education, was underscored with provision of $52 million in the 1992 Budget to support an Open Learning Initiative. The key point of this initiative was the establishment of an Open Learning Agency (OLA), a private company owned by a number of universities. The OLA offers predominantly undergraduate courses but a growing number of TAFE courses and modules are available and graduate and bridging courses are also provided. There are no entry requirements for OLA study; there are four study periods per year and broadcast television and radio are used for some units. There is also increased flexibility regarding matters such as assessment and credit transfer. The development of on-line courseware and on-line support services has been stimulated through this initiative. More than 8,000 students were enrolled in OLA courses in 1996.

309. Access to higher education is also provided to Australian and international students, through external studies courses (usually termed distance education). Many universities deliver selected courses through extended campuses in regional centres. This usually involves institutions offering the first one or two years of selected programmes in regional centres and may occur in cooperation with other tertiary providers. Approximately 13 per cent of university students are enrolled as external students.

Cooperative multimedia centres (CMC)

310. The CMC Program aims to support the development of a competitive, internationally successful multimedia industry. This can be achieved by supporting collaborative approaches to meeting its skill needs and acting as a resource for the industry at large. The Commonwealth will provide some $24.75 million over three years, in the first instance, to establish six multimedia centres.

311. CMCs are incorporated bodies formed by consortia of organizations drawn from the education sectors, industry and the arts/cultural communities. The role of CMCs is to promote the development of collaborative links between education and training, business and creative communities. The Centres support skill formation and bring other benefits to those involved in producing and distributing multimedia. The ultimate aim of the Program is to ensure the strong presence of Australian content in the multimedia industry.

312. The CMCs will be reviewed in 1998. Should the review indicate that the individual CMCs have substantially assisted in the development of the multimedia industry, funding may be approved for up to a further four years under a renegotiated Commonwealth agreement.

Student support and scholarships

313. Means-tested financial assistance is available to disadvantaged students to encourage them to complete secondary education and go on to tertiary

studies. Students eligible for this assistance also have the option of trading in all or part of their grant for double the amount provided on a loan basis. Loans repayments must begin within five years. A separate assistance programme is available for Aboriginal and Torres Strait Islander students which provides an income-tested living allowance and a number of income-tested and non-income-tested supplementary allowances.

314. Assistance is also provided to primary and secondary students who do not have reasonable daily access to a government school offering education at their level due to living in a remote area or because a child has a disability and must attend a special school some distance from the family home.

315. The Commonwealth has a policy to assist disadvantaged groups in relation to access to and progression within higher education. Such groups include Aboriginal and Torres Strait Islander people, people with disabilities, people from disadvantaged socio-economic backgrounds, women in non-traditional areas and postgraduate study, people from rural and isolated areas, and people from non-English-speaking backgrounds. More than $5 million is allocated annually through the Higher Education Equity Program to encourage initiatives such as alternative entry arrangements, bridging and supplementary courses, and innovative support arrangements. Universities have been required to set targets for participation rates since 1990, and for the most part, these have been met.

316. Special funding is also provided to assist Aboriginal and Torres Strait Islander people. Universities receive support funding of about $21.7 million annually to assist in meeting the additional costs involved in providing bridging programmes, special entry arrangements, tutorial support and other support services which are generally delivered through Aboriginal Education Units on campus. There are also special student assistance schemes which provide financial assistance to students who are financially disadvantaged, Aborigines and Torres Strait Islanders, and geographically isolated and disabled students. In 1995, the Government assisted about 539,380 students at a cost of more than $1,600 million. All universities are required to develop Aboriginal Education Strategies as part of their overall planning and accountability documentation.

317. In addition, since 1991, funds have been earmarked under the Higher Education Students with Disabilities Project. The broad aims of the projects are to encourage cross-institutional arrangements and, through working cooperatively, the development of cost-effective ways of providing support services for students with disabilities. It is also expected that universities comply with all relevant State and Federal legislation, including the Disability Discrimination Act 1992. Compliance with the Act involves the provision of appropriate educational support for students with disabilities, enhancing their access to higher education.

318. Australia is an active participant in the OECD's Indicators of Education Systems (INES) project. Since the project's inception Australia has provided data for the main statistical collection as well as for other purposes and has been a regular participant at Technical Group and other meetings. Australia is also a member of INES Network B, which develops indicators on Student Destinations, and in 1997 joined the Board of participating countries for

Network A on Educational Outcomes. Australia has also played a prominent role in the revision of the International Standard Classification of Education (ISCED), which plays an important role in facilitating the comparison of international educational data.

Overseas students

319. Many Australian universities also have significant enrolments of overseas students - over 53,000 in 1996. Some of these students undertake their courses in Australia while others take advantage of courses offered by Australian universities in their home countries. These courses are offered on a full-fee paying basis, although scholarships are available. There are 300 Postgraduate Research Scholarships each year for Masters/PhD by research.

320. A proportion of Commonwealth-funded places is available for postgraduate students. Scholarships for postgraduate study, leading both to coursework and research degrees at the Masters or PhD level, are available from a variety of sources on a competitive basis. Universities themselves provide approximately 2,500 postgraduate training scholarships. Approximately 6,000 scholarships are available through a range of government portfolios, including 1,595 through the Australian Postgraduate Awards in 1998. There are 21,500 scholarships providing HECS exemption in 1998. Since the early 1990s the Commonwealth has permitted universities to charge fees for postgraduate courses other than the Graduate Diploma of Education. Fee-paying postgraduate courses account for approximately 25 per cent of the total postgraduate load. Refer to articles 28 and 29 of Australia's 1996 report under the Convention on the Rights of the Child.

321. To assist students in the transition to higher education, an annual vocation counselling programme for students receiving their results and seeking to interpret them to determine their higher education preferences is provided in South Australia. The programme is funded by: the Department of Education, Training and Employment; the Senior Secondary Assessment Board of South Australia; and the South Australian Tertiary Admissions Centre, the non-government schools sector. (Refer to appendices 69-85 for supplementary information on the protection of this right.)

Article 15: The right to take part in cultural life; the right to enjoy the benefits of technology and its applications

322. The Australian Government supports the Australian arts community and enhances the opportunity for Australians to take part in cultural life, by providing the following assistance:

- comprehensive funding assistance for individuals and organizations active in literature, music, performing, and visual arts, as well as indigenous and ethnic arts, through the Australia Council and the state arts departments;

- direct purchase of works of art for subsequent lease by Government and private sector organizations in Australia, and in Australian diplomatic posts overseas, through Artbank;

- payments to Australian writers under the Public Lending Right Fund in recognition that income is lost as a result of multiple use of books from public libraries;

- direct support to the national opera company and the orchestras which support its productions;

- coordination of activities to support Australia's wide-ranging international cultural exchange and linkages activities;

- the national performing arts touring programme, Playing Australia, which funds the touring within Australia of high-quality performing arts programmes, in response to audience demand;

- touring by high-quality exhibitions of heritage, scientific, visual arts, crafts and Aboriginal and Torres Strait cultural material, particularly to regional Australia, through Visions of Australia;

- support for regional and community festivals to present quality cultural activities which support or enhance the festival theme or promote the local community's cultural image;

- support for specialist national arts training institutions including, the National Institute of Dramatic Art, the Australian Ballet School, the Australian Film, Television and Radio School, the National Aboriginal and Islander Skills Development Association, the Australian National Academy of Music, the Australian Youth Orchestra and the Flying Fruit Fly Circus;

- improvement of access to information on all grants and support services, business and export programmes for the industry available from the three levels of government, private trusts and foundations, community arts organizations, through ArtsInfo - a freecall telephone information and referral service and Internet site (http://www.artsinfo.net.au);

- tax incentives for donations to cultural organizations and institutions;

- use of digital technology and new media to provide wider access to Australian cultural information - particular programmes are Australia's Cultural Network (www.acn.net.au), Australia on CD, and the Performing Arts Multimedia Library;

- research and data collection on a broad range of areas including employment in the cultural sector, government expenditure on culture, business sponsorship, and industry-specific surveys, through the Cultural Ministers Council's Statistical Working Group;

- through the Arts Indemnity Australia scheme, the Australian Government indemnifies high value touring art exhibitions of national and international significance, thereby promoting access by Australians and international visitors to these unique cultural experiences.

Film and television

323. The Government announced its strategy for support of the film and television industry in November 1997. This responded to a comprehensive review of Commonwealth assistance to the industry - undertaken by Mr. David Gonski - which reported to the Government in February 1997. The Government's strategy continues to provide an integrated framework of support to the industry, including:

- advanced training through the Australian Film, Television and Radio School;

- professional, script, industry audience and market development through the Australian Film Commission;

- production financing through the Australian Film Finance Corporation;

- archiving through the National Film and Sound Archive; and

- tax deductibility for Qualifying Australian Films through Division 10BA of the Income Tax Assessment Act 1936.

324. The Government also provides specific support for sectors of the industry subject to ongoing market failure but with strong cultural imperatives. This is provided through annual grants to two specialist agencies - Film Australia (for documentary programming) and the Australian Children's Television Foundation (for children's television).

325. The Government's strategy also included the introduction of a new tax concession - the Film Licensed Investment Companies (FLIC) concession - as a pilot programme for two years from 1998/99. The FLIC scheme will allow a 100 per cent tax concession for investment in companies licensed by the Government to support film and television production.

326. Commercial broadcasters are funded primarily from advertising. Legislation regulates the ownership or control of stations and also requires the broadcast of certain minimums of Australian programming, including children's programming. This enables broadcasting services to assist in developing and reflecting a sense of Australian identity, character and cultural diversity.

327. The objects of the Broadcasting Services Act 1992 (BSA) include: to encourage the providers of broadcasting services to respect community standards in the provision of programme material, to encourage the provision of means of addressing complaints about broadcasting services, and to ensure

that the providers of broadcasting services place a high priority on the protection of children from exposure to material which may be harmful to them.

328. The BSA provides for an essentially self-regulatory framework for content regulation, based on codes of practice developed by each sector of the broadcasting industry. The codes are monitored by an independent statutory body, the Australian Broadcasting Authority (ABA), which is empowered to investigate complaints and impose sanctions.

329. The Federation of Australian Commercial Television Stations' Commercial Television Industry Code of Practice was released in August 1993. The Code covers the classification and placement of programmes and advertisements, and the presentation of news and current affairs programmes. It also provides a complaints procedure for Code breaches. The Code has been recently revised after public consultation and the ABA will assess the revised Code against statutory criteria to ensure that - the Code provides appropriate community safeguards; that a majority of providers of broadcasting services have endorsed the Code, and members of the public have had adequate opportunity to comment on the Code.

330. The Federation of Australian Radio Broadcasters (FARB) Code was registered by the ABA in 1993. It covers the broadcasting of programmes in accordance with community standards, the promotion of accuracy and fairness in news and current affairs programmes, and prescribes minimum content levels of Australian music in radio.

Public broadcasting

331. The Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) are independent statutory authorities established under their own Acts. The Government determines the level of budget funding for each organization but does not have any editorial or programming responsibility.

332. The ABC and SBS are funded by parliamentary appropriations on a triennial basis. SBS also receives revenue from advertising, totalling about $12 million per annum. The ABC is not permitted to accept advertising on its domestic broadcasting services and there is strong public support to continue this statutory prohibition. Instead the ABC raises revenue through a network of shops and other commercial enterprises. The role and functions of ABC and SBS are set out in their respective Charters, which form part of their enabling legislation - the Australian Broadcasting Corporation Act 1983 and the Special Broadcasting Service Act 1991. There are 132 licensed community radio services operating throughout Australia. These non-profit services emphasize community participation, access to minority and special interest groups, and promotion of the Australian music industry. They are funded through the Community Broadcasting Foundation Ltd., a company established by the industry to allocate funds to the community sector.

333. The remote area broadcasting service (RABS) comprise the ABC, SBS and three remote commercial television services (RCTS - one each in WA, Central Australia and Northern Australia). They provide television services delivered by satellite to some 800,000 Australians in areas beyond normal terrestrial

services. Associated satellite-delivered radio services are also provided in these areas. Retransmission facilities have been established in the larger communities.

334. The ABC and SBS services are funded from their normal Commonwealth Budget allocation. The RCTS operators have received Commonwealth (and in some cases) state subsidies to assist in establishing the services. The Commonwealth is also funding subsidies to households currently with direct satellite reception, and to indigenous and self-help communities in remote areas to assist in the current conversion from analogue to digital reception equipment.

335. Pay television in Australia commenced in 1995, with an estimated 500,000 households subscribing to one of the four main distributors. Supporting Australian cultural policy objectives, pay television licensees are required to ensure that at least 10 per cent of annual programme expenditure on pay television's predominantly drama channels is spent on new Australian drama programmes. A review of Australian content on pay television was completed by 1 July 1997, as required by legislation, and the Government is considering the outcomes of the review.

336. Open and subscription narrowcasters provide a range of targeted niche services, operating under a class licensing system.

337. The Commonwealth has limited, less direct powers over newspapers. However, complaints can be directed to the Australian Press Council which is a privately funded and self-regulating body.

Heritage

338. The Commonwealth government has announced that the National Museum of Australia will be constructed during the next three years and will open to the public in January 2001. The National Museum will be the Commonwealth's flagship in the centenary of Federation celebrations. The National Museum's three core themes of Aboriginal and Torres Strait Islander cultures and heritage, Australian history and society since 1788, and people's interaction with the Australian environment, will be integrated and reflected through the Museum's programmes.

339. The Government supports the National Library of Australia, the world's leading documentary resource for learning about and understanding Australia and Australians. The National Library provides leadership to the national system of libraries and information services.

340. The National Gallery of Australia develops, preserves and provides access to the national collection of artworks, including a significant collection of both Aboriginal and Torres Strait art. An extension of the National Gallery of Australia, built with the assistance of Commonwealth Government funding, was launched in March 1998 to accommodate major temporary exhibitions.

341. The Council of Australian governments meeting on 7 November 1997 gave in principle agreement to the rationalization of existing Commonwealth/State arrangements for the protection of places of heritage significant through the development of a cooperative national heritage places strategy.

342. The Heritage Collections Council, chaired by the Commonwealth, coordinates national approaches to care for and provide greater access to Australia's heritage collections. The Council is a model for what can be achieved collaboratively between governments and a heritage sector. Governments and the museum sector all contribute financially to the Council's programmes and together set priorities for action. $300,000/year is contributed by the Commonwealth and $450,000/year in total from state/territory governments and museums.

343. Achievements of the Council to date include Australian Museums On Line (AMOL), an Internet site for Australian heritage collections, which plays a significant role in increasing access to Australia's national, regional and local museums and their collections. Details of almost 1,000 museums Australia-wide are on the Website, together with detailed collection records for 40 collections. The Internet address for AMOL is http://www.nma.gov.au/amol/

344. Between 1993 and 1996, the Council's predecessor conducted the National Conservation Program which included conservation training workshops around Australia, an internship programme for indigenous and non-English-speaking background conservators, pilot regional conservation projects and a public awareness programme. In 1997 the Council developed and published the National Conservation and Preservation Policy and Strategy for Australia's Heritage Collections. The policy and strategy will be implemented collaboratively to develop a national approach aimed at assisting regional and local museums to better look after and document their collections so that the nation has a better understanding of the location and significance of its heritage. The Council will also publish The National Package of Conservation Training and Resource Materials in 1998 to guide institutions in the management and care of their collections.

Intellectual property

345. The Government is committed to creating a copyright regime which balances the rights of copyright owners and creators to receive appropriate rewards for their investment of skill and resources, with the rights of users to access copyright material on reasonable terms. A number of important reforms have recently been announced or are currently in progress.

346. Legislation which is presently before the Senate will introduce Australia's first moral rights regime. It will also alter the provisions relating to employed journalists' copyright, allowing media publishers to explore the use of new technologies.

347. Cheaper compact discs will soon be available to Australian consumers following the Government's announcement to lift parallel import restrictions on sound recordings. Legislation giving effect to this reform has been introduced into the House of Representatives.

348. The Government is committed to updating our copyright regime to meet the challenges of new technologies and take advantage of new opportunities. A discussion paper entitled Copyright Reform and the Digital Agenda was released in July 1997, seeking industry and community submissions on future directions for Australia's copyright regime.

349. The new rights proposed in the paper would cover the use of copyright material in on-line interactive services on the Internet and would also allow Australia to fulfil its international obligations under the two new World Intellectual Property Organization treaties finalized at Geneva last year.

350. The Government is continuing to investigate reforms to Australia's current intellectual property laws with an aim to make them more appropriate to the special nature of Aboriginal and Torres Strait Islander intellectual and cultural property.

Science and technology

351. The Department of Industry, Science and Tourism funds a number of public research facilities - the Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Australian Nuclear Science and Technology Organisation (ANSTO), and the Australian Institute of Marine Science (AIMS). Analysis indicates that there is low investment in research and development by Australian business and industry, and a slow uptake of scientific knowledge generated by public institutions. Barriers to commercialization of public sector research include lack of awareness of its importance, a "culture gap" between researchers and the business community, and the small size of Australian companies.

352. Questacon, The National Science and Technology Centre also plays a key role in increasing public awareness of science and technology. Questacon develops and operates a wide range of interactive exhibitions and public programmes, with a particular focus on reaching regional and remote communities around Australia.

353. Several programmes have been initiated to try to strengthen the links between research and its commercialization and other applications. Since 1988 government research agencies have had to seek part of their funding from external sources. This has increased the level of contact and effective communication between industry and researchers, and directed agency activities to areas where there is evidence of market or community support. The Cooperative Research Centre (CRC) programme involves the collaboration of industry, universities, and government agencies in long-term research projects. Emphasis is placed on the involvement of research users in the work of the centres.

354. Centres may receive government funding for up to 50 per cent of their total operating costs. The remaining costs are to be met by the participating organizations. Funding is granted on a competitive basis, according to established selection criteria. At the end of 1995-1996, there were 62 CRCs in operation. In addition to those with commercial objectives, a number of CRCs focus on outcomes for health and the environment.

355. AusIndustry is a Federal, State and Territory Governments' initiative which aims to help businesses become more internationally competitive. AusIndustry delivers programmes to support business research and development (R & D), including competitive R & D grants and an R & D tax concession scheme. The Industry, Research and Development Board (IR & D) oversees the IR & D grants and loans programmes, and the IR & D tax concession scheme. The IR & D Act 1986, provides the legislative basis for the operation of the Board. IR & D Act, Section 39F, allows any body of persons to apply for registration as an Australian Research Agency, for the purpose of performing R & D activities on behalf of registered, eligible companies. Registration allows eligible companies to claim a tax concession for R & D activities. Section 39H of the Act states that the register of research agencies is to be made available for inspection and that a list of registered research agencies and the classes of activities in relation to their registration is to be listed in the annual Board report.

356. The Science and Technology Awareness Program was established in 1989, with the aim of increasing awareness and understanding of the central role which science and technology play in Australia's economic and social well-being. The ultimate vision for the Program is a nation whose citizens are well-informed about science and technology issues, and whose young people are giving due consideration to extending their formal education in science, engineering and technology beyond the compulsory years of schooling. Target groups for the Program are young people, women, media, industry leaders and scientists. The Program has been devised as an interrelated suite of activities, each with particular target groups, deriving from an overall strategy which has short, medium and long-term objectives. Activities supported include student participation in international science and mathematics Olympiads, and support for Australian-developed science textbooks and curriculum materials for primary and secondary students.

357. The Australian Industrial Property Organisation (AIPO) is responsible for administering the Patents Act 1990, the Trade Marks Act 1995, and the Designs Act 1906. Recent research by AIPO has shown that many Australians do not realize the important benefits and commercial gains they can obtain by properly protecting and managing their intellectual property. In order to improve awareness, AIPO set up a marketing and promotions section in 1995. Recent initiatives include the production of material in simple English, the provision of information and services on AIPO's Internet home page, a programme aimed at the small business sector, participation at exhibitions and seminars, the production of a CD-Rom explaining how to use the patents system, and a series of audio cassettes with interviews on the use of the intellectual property system.

358. An initiative particularly directed to the rights of indigenous peoples has been the production of two video segments which were included in a magazine programme distributed to around 1,300 Aboriginal and Torres Strait Islander communities. The second segment focused on a proposal to develop a certification mark, for use as a label of authenticity for Australian indigenous work.

International contacts and cooperation

359. Australia promotes cooperation with scientists and academics around the world. The Australian Government administers bilateral agreements and other arrangements on scientific and technological cooperation with around 25 countries. The Government provides funding assistance to Australian scientists and academics cooperating internationally, through a wide range of programmes administered by various Departments.

360. The Department of Industry, Science and Tourism's International Science and Technology Program (ISTP) provides approximately $5.6 million per year to assist Australian researchers with the costs of overseas travel and living expenses. In some cases, ISTP also assists researchers from developing countries to undertake cooperative activities in Australia. The Department's overseas network of Industry, Science and Technology Counsellors helps scientists and academics abroad to obtain information about the Australian science and technology system, and to establish links with Australian counterparts.

361. Please also refer to articles 30 and 31 of Australia's 1996 report under the Convention on the Rights of the Child, and to article 27 of Australia's report under the International Covenant for Civil and Political Rights. (Refer to appendices 86-100 for supplementary information on the protection of this right.)

Specific State contributions: New South Wales

362. The New South Wales (NSW) Government through the Ministry for the Arts offers grants in support of the arts. The Ministry for the Arts' objective is to develop, preserve and enhance the artistic life and cultural heritage of the State through the management of special programmes and initiatives.

363. The NSW Government is committed to preserving and enhancing the local cultural identity of the film and television industry. The NSW Government established the NSW Film and Television Office to assist and promote the film and television industry. The NSW Film and Television Office plays an important role by providing funding for script development and production investment. The NSW Film and Television Office also administers the young Film-makers Fund and the revolving Film Fund whilst providing location liaison advice and screen culture support.

Western Australia

364. The Western Australian Aboriginal Heritage Act 1972, which is administered by the Aboriginal Affairs Department (AAD), was enacted to protect Aboriginal heritage. The Act provides for the establishment of the Aboriginal Cultural Material Committee which advises on all State heritage matters. The AAD is also responsible for administering the following legislation:

- The Aboriginal Affairs Planning Authority Act, which is designed to promote the well-being of Aboriginal people in Western

Australia and to take into consideration their views in relation to policy development and state government service delivery to Aboriginal people; and

- The Aboriginal Communities Act 1979, which allows communities to control and manage their communities by making by-laws, particularly those relating to law and order in the community.

365. In addition the AAD undertakes government planning and coordination with other government service delivery agencies in the provision of services to Aboriginal people.

ANNEX*

Major pieces of Australian federal and state anti-discrimination legislation

Federal

Public Service Act 1922
Racial Discrimination Act 1975
Ombudsman Act 1976
Freedom of Information Act 1982
Sex Discrimination Act 1984
Human Rights and Equal Opportunity Commission Act 1986
Inspector-General of Intelligence and Security Act 1986
Affirmative Action (Equal Employment Opportunity for Women) Act 1986
Disability Services Act 1986
Equal Employment Opportunity (Commonwealth Authorities) Act 1987
Privacy Act 1988
Disability Discrimination Act 1992
Workplace Relations Act 1996

Australian Capital Territory (ACT)

Ombudsman Act 1989
Discrimination Act 1991
Guardianship and Management of Property Act 1991
Community Advocate Act 1991
Disability Services Act 1991
Community and Health Services Complaints Act 1993

New South Wales (NSW)

Ombudsman Act 1974
Anti-Discrimination Act 1977
Industrial Relations Act 1996

Northern Territory (NT)

Ombudsman (Northern Territory) Act 1978
Anti-Discrimination Act 1992

Queensland (Qld)

Criminal Justice Act 1989
Anti-Discrimination Act 1991
Health Rights Commission Act 1991
Equal Opportunity in Public Employment Act 1992
Workplace Relations Act 1996

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* All other annexes and appendices referred to in the present report are available for consultation in the Committee's secretariat.

South Australia (SA)

Ombudsman Act 1972
Equal Opportunity Act 1984
Police (Complaints and Disciplinary Proceedings) Act 1985
Cooperative and Community Housing Act 1991
Freedom of Information Act 1991
Guardianship and Administration Act 1993
Mental Health Act 1993
Industrial and Employee Relations Act 1994
Housing Trust Act 1995
Residential Tenancies Act 1995
Public Sector Management Act 1995
Long Service Leave Act 1997

Tasmania (Tas)

Ombudsman Act 1978
Freedom of Information Act 1991
Sex Discrimination Act 1994
Guardianship and Administration Act 1995
Health Complaints Act 1995
Children, Young Persons and their Families Act 1997
Youth Justice Act 1997

Victoria (Vic)

Ombudsman Act 1973
Freedom of Information Act 1982
Intellectually Disabled Persons' Services Act 1986
Mental Health Act 1986
Intellectually Disabled Persons Act 1986
Guardianship and Administration Board Act 1986
Disability Services Act 1991
Equal Opportunity Act 1995
Crimes (Female Genital Mutilation) Act 1996

Western Australia (WA)

The Industrial Relations Act 1979
Equal Opportunity Act 1984
The Workplace Agreements Act 1993
The Public Sector Management Act 1994